4614

SUPREME COURT OF THE UNITED STATES.

No. 148.

JUAN M. LUCO & AL., APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

INDEX.

	Original.	Print.
Petition	14	8
Deposition of Juan B. Alvarado	16	9
" Victor Prudon	18	10
" Jose Ramon Mesa	22	13
" Jose Castro	24	14
" Salvador Vallejo	27	15
" Jose Ramon Carrillo	34	19
" John Wolfskill	38	20
" Hans Patten	42	22
Map	46	25
Deposition of Stephen Cooper	46	25
" William Hargrave	50	27
" Sam'l G. McMahan	53	29
" James Prigmore	56	30
" William Mathews	58	31
" Felipe Pena	60	32
" Demetrio Pena	64	34
" John Bidwell	69	37
" John Rose	73	39
" David T. Bird	77	41
" Willis Long	82	43
" William Denton	86	45
" Leandro A. D. Ortega	91	48

GIDEON, Print.

	Original.	Print.
Deposition of Henry D. Bequette	96	50
"Exhibit No. 1, A. F.," annexed to deposition of Henry D. Bequette	98	51
Deposition of Salvador Vallejo	105	56
" Nathan Coombs	111	58
" Cayetano Juares	115	61
" Andres Pico	133	69
" Felix Le Bastard	138	71
" Orlando McKnight	143	73
" J. H. Purdy	147	75
" Horace Hawes	151	77
"W. B. F.," annexed to deposition of Horace Hawes	156	80
Translation of W. B. F., annexed to the deposition of Horace Hawes, May 17, 1855, before Commissioner R. Aug. Thompson	157	81
Deposition of Wm. A. Richardson	159	82
" Manuel Castro	163	84
" Juan B. Alvarado	167	86
" Mariano G. Vallejo	171	88
" Jose de la Rosa	188	97
" Hugh Patten	212	107
" Wm. Carey Jones	215	109
" Thomas B. Patten	217	110
" James Wilson	222	112
" David O. Shuttuck	226	114
" James L. Miles	229	115
" Jonathan D. Stevenson	235	118
" G. H. Woodman	240	120
" Frank W. Shattuck	246	122
" C. F. Elliot	250	124
" Wm. H. Moore	257	127
" Enisly Elliot	261	129
" G. H. Woodman	267	132
" A. A. Ritchie	271	134
" Ramon de Zaldo	285	140
" Augustus M. Heslep	294	144
" Juan de Dios Sepulveda	301	147
" Chas. P. Stone	306	150
" David C. Broderick	308	151
" Franklin Bidwell	310	152
" James Hobbs	317	155
" Herman Wohler	323	157
" Rafael Guirado	326	159
" Henry H. Haight	341	165
"Exhibit No. 1" to deposition of Henry H. Haight.—Affidavit of Jose Ma. Covarrubias	348	168
Deposition of John B. Frisbie	350	169
" A. Lorrain	362	174
" John Parrott	373	179

		Original.	Print.
Deposition of	Emetrio Jose Gonzales	374	179
"	Rafael Rivera	377	181
"	J. W. Osborne	380	182
"	Tanvio Fanfaran	382	183
"	John A. Bartlett	387	185
"	D. O. Shattuck	392	187
"	Frank W. Shattuck	394	188
"	Martin E. Cook	396	189
"	John Cameron	415	197
"	Alvin C. Campbell	427	203
"	Jose Miguel Ferrer	434	206
"	Wm. Hudson	441	209
"	Jose S. Berreysa	444	210
"	David Hudson	456	216
"	Jessie W. Whitton	460	217
"	Edw'd G. Marsh	462	218
"	Charles Hopper	464	219
"	D. M. Berry	466	220
"	R. A. Maupin	468	221
"	John York	471	222
"	William A. Rector	473	223
"	Jose Castro	475	224
"	Ambrosio Carreras	481	227
"	George C. Yount	483	228
"	Andrew Preston	495	233
"	James A. Price	497	234
"	Fran'co Sanchez	499	235
"	J. C. McCracken	506	238
"	John Dixon	508	239
"	Archibald Tennent	510	240
"	Leon Chemin	514	242
"	John A. Sutter	519	244
"	Benito Diaz	522	245
"	A. J. Cox	525	247
"	Thomas O. Larkin	528	248
"	Jose M. Covarrubias	537	253
"	Thomas H. Tate	574	268
"	Chas. Van Gelden	576	269
"	James Cooper	579	270
"	Robert Beck	582	271
"	Peter Campbell	585	273
"	John Lenox	588	274
"	Nicolas Carriger	590	275
"	Wm. M. Boggs	593	277
"	John H. Hill	597	278
"	Joseph Dennell	599	280
"	Jose Y. Berreyesa	600	280

	Original.	Print.
Deposition of Henry W. Halleck	605	282
" Juan M. Moffet	607	283
" Juan de Dios Sepulveda	609	284
" B. F. Mahan	611	285
"B." Deed and agreement	625	293
"C." Law of Congress	627	294
Proceedings of the departmental assembly	629	294
Translation of proceedings of the departmental assembly, 1846	633	297
Proceedings of the departmental assembly	637	299
Translation of proceedings of the departmental assembly, 1845	638	300
Exhibit No. 1, annexed to deposition of J. S. Berreyesa	639	300
Translation of Exhibit No. 1, annexed to the deposition of Jose S. Berreyesa	641	301
Order to restore case to docket, and to resubmit the same	642	302
"A. M." exhibited to the deposition of Jose de la Rosa, June 11th, 1855	643	302
"A. P. L." exhibited to deposition of Jose Castro and J. B. Alvarado, October 4th, 1854	645	304
Translation of expediente "A," marked A. P. L., exhibited to the deposition of David T. Bird, February 9th, 1855	651	307
Opinion of the board delivered by Commissioner S. F. Farwell	656	309
Decree	666	314
Order	667	314
Secretary's certificate	667	314
Notice of appeal	669	315
Petition for review	669	315
Deposition of Santiago E. Arguello	671	316
Order to take testimony	672	316
Answer	679	319
Order	679	320
Stipulation for commission	680	320
Direct interrogatories to Pio Pico	681	321
Cross-interrogatories "	684	322
Commission	686	323
Order for commission	687	324
Deposition of Pio Pico	688	324
Exhibit "A," made part of direct interrogatory to Pio Pico	695	327
Stipulation to publish deposition of Pio Pico	701	330
Deposition of Victor Castro	702	330
Notice of interrogatories	706	332
Order of commission	707	333
Commission to Jos. R. Gitchell, esq., at San Diego, California	709	334
Deposition of Juan Bandini and Santiago Arguello	711	334
Com. and depositions of Joseph A. Henchman and J. W. Short	727	341
Objections to interrogatories in chief	731	343
Deposition of J. W. Shore	732	344
Deposition of Joseph A. Henchman	735	345
Stipulation and order to publish depositions	738	347

INDEX.

	Original.	Print.
Traced copy and certificate of surveyor general	739	347
Deposition of J. P. Leese and C. Arenas	739	347
Affidavit of Pio Pico, certified by surveyor general	747	351
Account of Rafael Giraldo as witness	749	352
Deposition of Joseph Hooker	751	353
" J. H. Berry	753	354
" John Hendley	757	356
" Thomas J. Boggs	762	358
" Marcos Vaca	769	362
" Theo. B. Cunningham	774	365
Exceptions	777	366
Exceptions	778	366
Deposition of H. W. Halleck	779	367
" R. C. Hopkins	785	369
Affidavit of Juan M. Luco	795	373
" "	796	374
Order allowing further testimony to be taken	798	375
" opening cause	799	375
Deposition of Narcisso Botello	801	376
Signatures of Pio Pico and Botello's letter	821	384
Translation of Botello's letter	825	386
Order or convocation of the departmental assembly in extraordinary sessions for the 6th of December, 1845	827	388
Translation of the foregoing document	828	388
Stipulation as to Exhibit O. H. No. 1 and O. H. No. 2	829	389
Deposition of R. C. Hopkins	831	389
" W. B. McMintrie	832	390
" Robert H. Vance	838	392
Exhibit O. H. No. 1 to deposition of Hopkins	839	392
Photographs marked Exhibits O. H. No. 2, O. H. No. 3, and O. H. No. 4	840	393
Certified copy of grants issued in 1844 and 1845	841	394
Suspension of ordinary sessions—Exhibit to the deposition of R. C. Hopkins	847	398
Translation of foregoing document	849	400
Report of the committee, August 29th, 1845.—Exhibit to deposition of R. C. Hopkins	850	400
Translation of foregoing document	853	402
Motion and order on motion to suppress deposition of Horace Hawes	856	403
Decree	857	404
Motion to open decree	858	405
Affidavit of Juan M. Luco	860	406
" "	861	406
" J. Brinckerhoff	862	407
" Daniel K. Berry	866	408
" Jno. H. Berry	872	411
" Jose A. Flores	876	413

	Original.	Print.
Affidavit of Jesus Ma. Baca	877	413
" Jose Ma. Amador	878	414
" Robert Allison	879	414
" R. Anrubia	880	415
" Jos. Pellisier	881	415
" Ramon Mesa	882	416
" Jose Noriega	884	417
Translation of above affidavit	885	417
Order denying motion for re-hearing	886	418
Order granting appeal	887	418
Appeal bond	888	419
Four sheets tracing paper from U. S. Surveyor General's Office	890	420
Two sheets same	891	420
Clerk's certificate	892	420

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the Private Land Claims in the State of Cal'a.

Be it remembered, that on this thirteenth day of September, anno Domini one thousand eight hundred and fifty-four, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Juan M. Luco et al. for the place named "Ulpines," was presented and ordered to be filed and docketed with No. 813, and is as follows, to wit:

(Vide page 13 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *Oct.* 6, 1854.

In case No. 813, Juan M. Luco et al., for the place named "Ulpines," the depositions of Juan B. Alvarado, Victor Prudon, José Castro and Ramon Mesa, witnesses in behalf of the claimants, taken before Commissioner Peter Lott, were filed.

(Vide pages 172, 127, 129, of this Transcript.)

SAN FRANCISCO, *Oct.* 19, 1854.

In the same case the deposition of Salvador Vallejo, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 33 of this Transcript.)

SAN FRANCISCO, *Oct.* 23, 1854.

In the same case the deposition of José Ramon Carrillo, a witness in behalf the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 41 of this Transcript.)

SAN FRANCISCO, *December* 28, 1854.

In the same case the deposition of John Wolfskill, a witness in behalf of the United States, taken before Commissioner Alpheus Felch, was filed.

(Vide page 45 of this Transcript.)

SAN FRANCISCO, *January* 9, 1855.

In the same case the deposition of Hans Patten, a witness in be-

half of the United States, taken before Commissioner Peter Lott, was filed.

(Vide page 51 of this Transcript.)

SAN FRANCISCO, *February* 8, 1855.

In the same case the depositions of Stephen Cooper, William Hargrave, Samuel G. McMahon, James Prigmore and William Mathews, witnesses in behalf of the United States, the first two taken before Commissioner Alpheus Felch, and the last three before Commissioner S. B. Farwell, were filed.

(Vide pages 57, 61, 65, 69 and 71 of this Transcript.)

SAN FRANCISCO, *February* 9, 1855.

In the same case the depositions of Felipe Peña, Demetrio Peña and John Bidwell, witnesses in behalf of the United States, taken before Commissioner Alpheus Felch, were filed.

(Vide pages 75, 79, and 85 of this Transcript.)

In the same case the depositions of John Rose, David T. Bird and Willis Long, witnesses in behalf of the United States, taken before Commissioner Peter Lott, were filed.

(Vide pages 89, 95, and 101 of this Transcript.)

SAN FRANCISCO, *February* 19, 1855.

In the same case the deposition of William Denton, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed.

(Vide page 107 of this Transcript.)

SAN FRANCISCO, *March* 5, 1855.

In the same case the deposition of Leonidio Dugue de Ortega, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed.

(Vide page 113 of this Transcript.)

In the same case the deposition of Henry D. Bequette, a witness in behalf of the United States, taken before Commissioner Alpheus Felch, with document marked Exhibit No. 1 A. F. annexed thereto, was filed.

(Vide page 119 of this Transcript.)

SAN FRANCISCO, *March* 6, 1855.

In the same case the deposition of Salvador Vallejo, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 131 of this Transcript.)

SAN FRANCISCO, *March* 13, 1855.

In the same case the deposition of Nathan Coombs, a witness in behalf of the United States, taken before Commissioner Peter Lott, was filed.

(Vide page 139 of this Transcript.)

SAN FRANCISCO, *March* 19, 1855.

In the same case the deposition of Cayetano Juarez, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(Vide page 145 of this Transcript.)

SAN FRANCISCO, *March* 22, 1855.

Case No. 813 was assigned for hearing on the 3d day of April next.

SAN FRANCISCO, *March* 23, 1855.

In the same case the deposition of Andres Pico, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed.

(Vide page 163 of this Transcript.)

SAN FRANCISCO, *May* 3, 1855.

In the same case the deposition of Felis le Bartard, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 169 of this Transcript.

SAN FRANCISCO, *May* 17, 1855.

In the same case the depositions of Orlando McNight, J. H. Purdy and Horace Hawes, witnesses in behalf of the United States, taken before Commissioner R. Aug. Thompson, the last with document marked "W. B. F." annexed thereto, were filed.

(Vide pages 175, 179, and 183 of this Transcript.)

SAN FRANCISCO, *May* 18, 1855.

In the same case the deposition of William A. Richardson, a witness in behalf of the United States, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 193 of this Transcript.)

In the same case the deposition of Man'l Castro, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, with document marked Exhibit "R. A. T. No. 1" annexed thereto, was filed.

(Vide page 197 of this Transcript.)

SAN FRANCISCO, *May* 24, 1855.

In the same case the deposition of Juan B. Alvarado, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 201 of this Transcript.)

SAN FRANCISCO, *June* 11, 1855.

In the same case the deposition of Mariano G. Vallejo, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 205 of this Transcript.)

SAN FRANCISCO, *June* 12, 1855.

In the same case, on motion of the U. S. law agent, it is ordered that a rule of nisi be entered against Pio Pico, a defaulting witness, duly subpœnaed on the 23d May last, to appear before this board and show cause why an attachment should not be issued to bring him before this board and answer a contempt.

In the same case the deposition of José de la Rosa, a witness in behalf of the claimants, taken before Commissioner S. B. Farwell, with document marked "Exhibit A. M." annexed thereto, was filed.

(Vide page 223 of this Transcript.)

In the same case the depositions of Hugh Patten, Wm. Carey Jones, Thomas B. Patten, James Wilson, David O. Shattuck, James L. Miles, Jonathan D. Stevenson, G. H. Woodman, Frank W. Shattuck, witnesses in behalf of the United States, the first six taken before Commissioner R. Aug. Thompson, and the last three before Commissioner S. B. Farwell, were filed.

(Vide pages 249, 253, 255, 259, 263, 267, 273, 277, and 283 of this Transcript.)

SAN FRANCISCO, *June* 13, 1855.

In the same case the depositions of C. F. Elliott, W. H. Moore, Emsly Elliott and G. H. Woodman, witnesses in behalf of the United States, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 287, 293, 297, and 303 of this Transcript.)

SAN FRANCISCO, *June* 15, 1855.

In the same case the depositions of A. A. Ritchie and Ramon de Zaldo, witnesses in behalf of the claimants, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 307 and 319 of this Transcript.)

SAN FRANCISCO, *June* 16, 1855.

In the same case the depositions of A. M. Heslep and Juan de Dios Sepulveda, witnesses in behalf of the claimants, the first taken before Commissioner R. Aug. Thompson and the last before Commissioner S. B. Farwell, were filed.

(Vide pages 329 and 335 of this Transcript.)

SAN FRANCISCO, *June* 18, 1855.

In the same case the depositions of Charles B. Stone and David C. Broderick, witnesses in behalf of the claimants, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 341 and 343 of this Transcript.)

SAN FRANCISCO, *June* 19, 1855.

In the same case, on motion of the U. S. law agent, it is ordered that the rule of nisi entered against Pio Pico, on the 12th inst., be set aside.

In the same case the depositions of Franklin Bidwell and James Hobbs, witnesses in behalf of the United States, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 345 and 351 of this Transcript.)

In the same case the deposition of Hermann Wholer, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 357 of this Transcript.)

SAN FRANCISCO, *June* 20, 1855.

In the same case the deposition of Rafael Guirado, a witness in behalf of the United States, taken before Commissioner S. B. Farwell, was filed.

(Vide page 359 of this Transcript.)

In the same case the depositions of Henry W. Haight, with document marked Exhibit No. 1 annexed thereto, John B. Frisbie, Antonio Lanain, John Parrott, Enetrio José Gonzales, Rafael Rivera, and J. W. Osborne, witnesses in behalf of the claimants—the first six taken before Commissioner R. Aug. Thompson, and the last before Commissioner S. B. Farwell—were filed.

(Vide pages 373, 379, 381, 393, 403, 405, 409 and 413 of this Transcript.)

SAN FRANCISCO, *June* 22, 1855.

In the same case the deposition of Toubio Fanfaran, a witness in behalf of the United States, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 415 of this Transcript.)

SAN FRANCISCO, *June* 23, 1855.

In the same case the deposition of John A. Bartlett, a witness in behalf of the United States, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 419 of this Transcript.)

SAN FRANCISCO, *June* 25, 1855.

In the same case the depositions of D. O. Shattuck and Frank W. Shattuck, witnesses in behalf of the United States, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 425 and 427 of this Transcript.)

In the same case the deposition of Martin E. Cooke, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 429 of this Transcript.)

SAN FRANCISCO, *June* 27, 1855.

In the same case the depositions of John Cameron and Alvin C. Campbell, witnesses in behalf of the claimants, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 447 and 457 of this Transcript.)

In the same case the deposition of José Miguel Ferrer, a witness in behalf of the United States, taken before Commissioner S. B. Farwell, was filed.

(Vide page 463 of this Transcript.)

SAN FRANCISCO, *June* 29, 1855.

In the same case the depositions of William Hudson, José S. Berreyesa, David Hudson, Jesse W. Whiton, Edward G. Marsh, Charles Hopper, D. M. Berry, R. A. Maupin, John York, and William A. Rector, witnesses in behalf of the United States, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 471, 476, 487, 491, 493, 495, 497, 499, 501, and 503 of this Transcript.)

In the same case the depositions of José Castro, Ambrosio Carreras, and George C. Yount, witnesses in behalf of the claimants, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 507, 513, and 515 of this Transcript.)

SAN FRANCISCO, *June* 30, 1855.

In the same case the depositions of Andrew Preston, James A. Rice, Francisco Sanchez, J. C. McCracken, and John Discen, witnesses in behalf of the United States, the first four taken before

Commissioner R. Aug. Thompson, and the last before Commissioner S. B. Farwell, were filed.

(Vide pages 527, 529, 531, 539, and 541 of this Transcript.)

In the same case the deposition of Archibald Tennent, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 543 of this Transcript.)

SAN FRANCISCO, *July* 25, 1855.

In the same case the deposition of Leon Chemin, a witness in behalf of the United States, taken before Commissioner S. B. Farwell, was filed.

(Vide page 547 of this Transcript.)

SAN FRANCISCO, *July* 3, 1855.

In the same case the deposition of John A. Sutter, a witness in behalf of the United States, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 553 of this Transcript.)

SAN FRANCISCO, *July* 6, 1855.

In the same case the depositions of Benito Dias, A. J. Cox and Thomas O. Larkin, witnesses in behalf of the claimants, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 557, 561 and 563 of this Transcript.)

SAN FRANCISCO, *July* 7, 1855.

In the same case the depositions of José Ma. Covarrubias, Thomas H. Tate, Charles Van Geldern, James Cooper, Robert Beck, Peter Campbell, John Lenox, Nicholas Carrigan, Wm. M. Boggs, and John H. Hill, witnesses in behalf of the claimants, the first eight taken before Commissioner R. Aug. Thompson, and the two last before Commissioner S. B. Farwell, were filed.

(Vide pages 569, 595, 597, 601, 605, 609, 613, 615, 619 and 623 of this Transcript.)

SAN FRANCISCO, *July* 9, 1855.

In the same case the depositions of Joseph Denwell, José Ignacio Berreyesa, and H. W. Halleck, witnesses in behalf of the United States, taken before Commissioner R. Aug. Thompson, were filed.

(Vide pages 625, 627 and 631 of this Transcript.)

In the same case the depositions of Juan M. Maffet and Juan de Dios Sepulvida, witnesses in behalf of the claimants, the first taken before Commissioner S. B. Farwell, and the last before Commissioner R. Aug. Thompson, were filed.

(Vide pages 633 and 635 of this Transcript.)

SAN FRANCISCO, *July* 10, 1855.

In the same case the deposition of B. F. Mahan, a witness in be-

half of the United States, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 367 of this Transcript.)

In the same case the counsel for the claimants read the papers in evidence; followed the U. S. law agent; argument commenced and continued for to-morrow.

SAN FRANCISCO, *July* 11, 1855.

In the same case argument by the U. S. law agent resumed, followed by claimant's counsel, and continued for to-morrow.

SAN FRANCISCO, *July* 12, 1855.

In the same case argument by the claimant's counsel resumed and concluded; case submitted and taken under advisement by the board.

SAN FRANCISCO, *August* 28, 1855.

In the same case, on motion of the U. S. asso. law agent, the following order was made, to wit:

(Vide page 669 of this Transcript.)

SAN FRANCISCO, *September* 25, 1855.

In the same case Commissioner S. B. Farwell delivered the opinion of the board rejecting the claim.

(Vide page 685 of this Transcript.)

And the following order was made, to wit:

(Vide page 693 of this Transcript.)

Petition.

To the Board of Land Commissioners for ascertaining and settling private land claims in the State of California:

Your petitioners, Juan Manuel Luco and José Leandro Luco, residing in the county of Solano, State of California, respectfully represent to your hon. board: *Thay* they are the owners of and claim a certain tract of land known as the "Ulpines," lying and being situate in the county of Solano, State of California, the dimensions whereof are unknown to your petitioners, but which is bounded in the following manner, to wit: the land remaining (sobrante) between the following named ranchos and boundaries, viz: the rancho of Suisun of Don Guadalupe Vallejo; the rancho of las Putas of Baca and Armijo; the rancho of Elachama of John Bidwell, and bounded on the southeast by the river Sacramento. That the said land was granted to Don José de la Rosa, a Mexican citizen, on the 4th day of December, 1845, under the authority of the Mexican government, by Pio Pico, governor and presiding member of the departmental assembly of the Californias, approved by said departmental assembly on the 18th day of December, 1845, and duly recorded.

And your petitioners further represent, that the said grantee, José de la Rosa, on the 18th day of March, 1833, did bargain, sell, and convey to them all his right, title, interest, and estate in and to the said tract of land as above described, formerly and now known as the "Ulpinas."

Your petitioners further represent, that the Congress of the U. S. did enact a law, approved July 17th, 1854, enabling them to file their claim and title to the said land, and authorizing your hon. board to take cognizance of and pass upon the same in the same manner as if the claim had been filed within the time fixed by law.

Your petitioners further represent, that the original grant of the aforesaid tract of land is filed in the archives of the former Spanish and Mexican territory or department of Upper California, in the office of the U. S. surveyor general of California.

Petitioners further state, that the said original grantee was in peaceable possession of said tract of land, both before and after the grant was made, and that he has complied with the requisitions of the law; and that your petitioners now reside upon the same, and have no knowledge of any interfering claims.

Your petitioners herewith file a translation and a certified traced copy of the original grant in the office of the U. S. surveyor general of the petition of the grantee, and approval of the departmental assembly, marked "A," the assignment from grantee to petitioners, marked "B," and the law of Congress aforesaid, marked "C."

And your petitioners pray your hon. board to take into consideration their claim to the said land, and to decree their title to be valid, and confirm the same, with all general relief this claim may demand.

(Signed) EDWARD JONES,
of Counsel.

Filed in office September 13th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Juan B. Alvarado.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *October 5th*, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Juan B. Alvarado, a witness on behalf of the claimant, José de la Rosa, in case No. 813 on the docket of said board, and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said board, as follows:

The U. S. associate law agent is present.

Question 1st. What is your name, age, and residence?

Answer. My name is Juan B. Alvarado; my age 45 years; my residence in Contra Costa county, California.

Question 2d. Are you acquainted with José de la Rosa? if yea, how long have you known him, and state also what you know of his having obtained a grant of land from Governor Pio Pico.

Answer. I am acquainted with said Rosa, and have known him about 20 years. I met him here in San Francisco in 1849, and he told me he was occupying a rancho somwhere about Sonoma, which Governor Pio Pico had granted to him.

Question 3d. Look at the document now shown to you, marked "A. P. L.," exhibited in this deposition and heretofore filed in this case, purporting to be a traced copy of the title from the U. S. surveyor general's office for the State of Califorinia, and state whether you have compared said traced copy with said original in said office; if yea, is this a true and correct copy of said original? and state also whether you are acquainted with the handwriting of Pio Pico, José de la Rosa and José Maria Covarrubias; if yea, your means of knowledge, and whether their signatures wherever they occur in said original document are genuine, and whether you believe said original document to be an authentic and genuine document throughout?

Answer. I have this day compared this document with the original hereof in said surveyor general's office, and find it a true and correct copy of it. I am acquainted with the signatures of said Pico, Covarrubias and Rosa. I have seen them all write, and I believe their signatures wherever they occur in said original document are genuine, and I see no reason to doubt the genuineness and authenticity of said original document throughout.

Question 4th. State whether said Rosa was employed by the former government as a public printer?

Answer. He was printer to the government at Monterey.

(Signed) JUAN B. ALVARADO.

Subscribed and sworn to before me on this 5th day of October, A. D. 1854.

(Signed) PETER LOTT,
Commissioner.

Filed in office October 6th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Victor Prudon.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *October 6th*, 1854.

This day came before Peter Lott, commissioner for taking testi-

mony to be used before the board of U. S. land commissioners, in said State, Victor Prudon, a witness in behalf of the claimant, José de la Rosa, in case No. 813 on the docket of said board, and said witness being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for Claimant.

1st question. What is your name, age and residence?

Answer. My name is Victor Prudon; my age 44 years; my residence in San Francisco, California.

2d question. Are you acquainted with José de la Rosa; if yea, how long have you known him, and state what you know of his occupancy of a rancho in Solano county?

Answer. I am acquainted with said Rosa; I have known him since the year 1834. In 1840 I knew him to be in the occupation of a rancho called Julpinas, an Indian name; that was the year I went to Sonoma to live; I found then that he was occupying the ranch, and I do not know how long before that he had lived there. He had a house and corral; Rosa remained on said rancho I think till the Americans took possession of the country, in 1846.

3d question. State whether you kept a store in Sonoma and sold goods and supplies to said Rosa for himself and the Indians in his employment on said rancho in that period?

Answer. I did keep store in Sonoma and sold goods to him; sometimes he came himself to buy them, and at other times his mayordomo. The goods were for the supplies of the rancho named, or at least I never knew of his having any other.

Cross-examined by U. S. Law Agent.

1st question. Where does José de la Rosa now reside?

Answer. In the town of Sonoma.

2d question. How long has he resided where he now does?

Answer. He has resided in Sonoma ever since I went there in 1840, excepting some time that he was at Monterey, enployed as a government printer; I think from 1842 to 1844.

3d question. Where have you resided since 1840?

Answer. I lived in Sonoma till 1850; since that in San Francisco.

4th question. How far is the rancho Julpines from Sonoma?

Answer. I cannot say exactly; it is in the vicinity of Benicia and Suisun valley, about 40 or 45 miles from Sonoma.

5th question. When did you first know said rancho, and what acquaintance have you since had with it?

Answer. I first went to Sonoma in 1840. I know from Rosa and Gen'l Vallejo, and the common report then, that Rosa was occupying said rancho, and that he had been there several years before. Since that time, I have had no further acquaintance with the ranch than what I have heard; I have not been there myself.

6th question. Were you ever in person on said rancho?

Answer. I never was.

7th question. How then did you know that Rosa ever occupied it?

Answer. I knew it by reports, and by seeing Rosa coming and going in that direction, and from my having sent goods to the place by his orders, by the hands of his mayordomo.

8th question. Who first informed you that said Rosa ever occupied said ranch?

Answer. I cannot recollect that; it is a long time. It may have been Gen'l Vallejo, tho' I cannot say precisely.

9th question. Who was Rosa's mayordomo at that time?

Answer. An Indian.

10th question. What goods did you sell him to send to that rancho?

Answer. Calicoes, prints, handkerchiefs, &c.

11th question. How do you know that they went to that rancho?

Answer. I used to receive orders from José de la Rosa, signed by him, and dated Julpines, requesting me to send such and such things by his mayordomo, and Rosa paid me for the goods. I know in no other way except I saw the mayordomo come and go.

12th question. How far could you see the mayordomo come and go on the road?

Answer. I only saw him come in and out of the store, and start on the road in the direction of Napa, which was the road to the farm; sometimes on horseback, sometimes with carts.

13th question. How do you know that was the road to the farm, not having been there?

Answer. Because I knew that the farm was in the vicinity of Benicia *a* Suisun, and the road led to those places from Sonoma through Napa.

14th question. During the time said Rosa was in the habit of buying goods of you how much and what other pieces of land did he claim?

Answer. I did not know of his having any other farms or lands, except some lots in Sonoma.

(Signed) VICTOR PRUDON.

Subscribed and sworn to before me on this 6th day of October, A. D. 1854.

(Signed) PETER LOTT,
Commissioner.

Filed in office October 7th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose Ramon Mesa.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *October 6th*, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners, in said State, José Ramon Mesa, a witness on behalf of the claimant, José de la Rosa, in case No. 813 on the docket of said board, and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said board, as follows:

The U. S. associate law agent is present.

Questions by Mr. Jones, Attorney for Claimant.

Question 1st. What is your name, age, and residence?

Answer. My name is José Ramon Mesa; my age 32 years; my residence in Sonoma county, California.

2d question. Are you acquainted with José de la Rosa? If yea, state how long you have known him, and all you know of his occupying a rancho in Solano county.

Answer. I am well acquainted with José de la Rosa. I have known him since I was a youth; I cannot say how many years. I knew him to be living on and occupying a rancho in what is now Solano county long before the Americans came to the country. He had an adobe house on the place in which he lived with his family. He had a corral and horses and some cultivation. The place was called Julpines, an Indian name. He continued thus to occupy the place till the war broke out and the Americans came and took possession of the country. I visited said Rosa at his house while he lived there, and he used himself to visit the place after he moved off; I cannot say how often.

Cross-examined by U. S. Associate Law Agent.

1st question. State, if you know, whether the adobe house was built and the cultivation and improvements made by said Rosa.

Answer. I know that the house was built by him. I saw him building it, and the other improvements and cultivation I suppose were made by him, for there was nobody else but himself and his family and servants.

2d question. How much land was cultivated?

Answer. A space about 100 varas square.

(Signed) JOSÉ RAMON his ⋈ mark. MESA.

Subscribed and sworn to before me on this 6th day of October, A. D. 1854.

(Signed) PETER LOTT,
Commissioner, &c.

Filed in office October 7th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose Castro.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *October 5th*, 1854.

This day personally came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, José Castro, a witness on behalf of the claimant, José de la Rosa, in case No. 813 on the docket of said board; and José Castro being sworn, deposed in Spanish, which was interpreted by the interpreter to said board, as follows:

The U. S. associate law agent is present.

Questions by Mr. Jones, Attorney for Claimant.

1st question. What is your name, age, and residence?

Answer. My name is José Castro; my age 46 years; my residence in Monterey, California.

2d question. Are you acquainted with José de la Rosa? If yea, state how long you have known him; and state also whether you know of his having obtained a grant of lands from Governor Pio Pico; if yea, state when and all the circumstances connected therewith, within your knowledge.

Answer. I am well acquainted with José de la Rosa. I have known him some 20 years, or more. He has lived in my house in my employment, and he was at one time in the employment of the government as a printer, at Monterey, in charge of the government printing at that place. His employment in my house was that of a teacher of music. I knew of his obtaining a grant of land from Governor Pio Pico, about the middle or latter months of the year 1845. I was acquainted with the circumstance in this way: When said Rosa was about to petition for the land, he requested me to speak in his behalf to the governor, Pico. I accordingly saw the governor on the subject, and recommended said Rosa to him, and solicited that the grant might be made according to his petition. The land he applied for was somewhere in the north, and was land which I understood said Rosa, with the permission of the Vallejos, occupied before said grant was made, some time after I saw the governor on behalf of said Rosa. The secretary of the governor, José Maria Covarrubias, wrote to me informing me that the grant had been made by the governor to said Rosa according to his petition. I never saw the title till about a year ago; but about the time it was made said Rosa saw me and told me he had obtained it, and thanked me for speaking in his favor to the governor.

3d question. Are you acquainted with the handwriting of Pio

Pico, José de la Rosa, and José Maria Covarrubias? If yea, state your means of knowledge, and look at the document now shown to you, marked "A. P. L.," and exhibited to this deposition, and heretofore filed in this case, purporting to be a traced copy of title in this case from the office of the U. S. surveyor general for the State of California, and state whether you have compared this document with the original thereof in said surveyor general's office. If yea, is it a true and correct copy thereof, and are the signatures of the above named persons wherever they respectively occur in said original, their genuine signatures, and do you believe said original paper to be authentic and genuine throughout?

Answer. I am acquainted with the handwriting of said Pio Pico, said Covarrubias, and said Rosa. I have seen them all write and sign their names. I have this day carefully compared this document now shown to me with the original hereof in said surveyor general's office. It is a true and correct copy of said original, and the signatures of the above named persons, as they appear in said original, I believe to be all genuine, and I believe the said original document to be authentic and genuine throughout.

(Signed) JOSÉ CASTRO.

Subscribed and sworn to before me on this 5th day of October, A. D. 1854.

(Signed) PETER LOTT,
Commissioner, &c.

Filed in office October 6th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Salvador Vallejo.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *October 18th*, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners, in said State, Salvador Vallejo, a witness on behalf of the claimant, José de la Rosa, in case No. 813 on the docket of said board; and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said board, as follows:

The U. S. law agent is present.

Questions by Mr. Jones for Claimant.

1st question. What is your name, age, and residence?

Answer. My name is Salvador Vallejo; my age 42 years; my residence in Sonoma, California.

2d question. Do you know the grantee in this case, José de la Rosa; if yea, how long have you known him? and state what you know of his having obtained a grant in this case, and also what you know of his occupancy of the land claimed.

Answer. I do know him; I have known him about 14 or 15 years; I know he obtained a grant of the land claimed in 1845 or 1846; I do not remember the date, though I have seen the title; I know that said Rosa occupied said place ever since the time I have referred to, as that in which he obtained the grant about 1845 or 1846; he has a house and corral, horses, and cattle there, and a portion of the land enclosed and cultivated, and Rosa lived in the house with his family at times; sometimes during this period he has lived at Napa and Sonoma and Monterey, but he has always occupied said rancho.

3d question. Have you often been on the rancho yourself?

Answer. I have often been on it.

4th question. Do you know of said Rosa having occupied said land before he obtained his title?

Answer. Yes; he occupied it, perhaps, one or two years before he obtained the grant.

5th question. Was it customary for Californians to settle on a piece of land before they obtained a title for it?

Answer. It was, when they generally asked permission of the local authorities to settle on it till such time as a grant could be obtained.

6th question. Did you know of said Rosa being employed in any capacity by the government?

Answer. I know that he was a government printer at Monterey and Sonoma.

7th question. Look at the document now shown to you purporting to be a traced copy of the espediente in this case, marked "A. P. L.," exhibited in this deposition and heretofore filed in this case, and state whether you have compared it with the original in the office of the U. S. surveyor general for the State of California? if yea, state whether you are acquainted with the handwriting of the persons whose names appear subscribed to said original document; and if yea, state your means of knowledge, and also whether their signatures to said original document are genuine.

Answer. I have examined the original, of which this is a copy; said original I examined in the said surveyor general's office; I know the handwriting of Pio Pico, José de la Rosa, and José Maria Covarrubias; I have seen them all write, and their respective signatures wherever they occur in said original document are genuine.

Cross-examined by U. S. Associate Law Agent.

1st question. How do you know that Rosa has occupied the land ever since the time you have stated?

Answer. It is on the road I travel to Sacramento, and I have seen the continued by frequently passing that way.

2d question. When and where did you see the title, and is it the same one you saw in the surveyor general's office?

Answer. I saw it at Rosa's house in Sonoma; it is so long since that I cannot remember the date; it was before the Americans came to the country, and that in the surveyor general's office appears to be the same.

3d question. Did you read the title when you first saw it at Rosa's house, and do you know where it has been since that time before it was placed in the surveyor general's office?

Answer. I did read it then, and I do not know where it has been since.

4th question. How much of the land was enclosed and cultivated, and how cultivated?

Answer. About 100 or 200 varas square were planted in wheat, corn, and vegetables.

5th question. When did you first see this cultivation?

Answer. Before and after the grant.

6th question. Did you ever know of Rosa obtaining permission of the local authorities to settle on this land?

Answer. Rosa told me he had obtained permission, I think, from Gen'l Vallejo; this was before he obtained the title; I do not remember the year.

7th question. How do you know said Rosa was public printer?

Answer. I saw him while so employed.

8th question. In what capacity was he employed, as chief or subaltern in the printing business?

Answer. He was the public printer, conducted the business, and did the work himself.

9th question. Do you know of Rosa's having received pay for his services; if yea, when and how much?

Answer. I knew him to receive some pay; I do not know how much; it was while he was at work in the office.

10th question. Does your knowledge of the handwriting of those persons whose signatures you have testified of consist solely of having seen them write?

Answer. I have seen documents bearing their signatures; I have some of them myself.

11th question. How much of a family had said Rosa in 1844, 1845, and 1846?

Answer. When the Americans came to the country they had some seven or eight children.

12th question. How many times did you see the family in the ranch of Julpines?

Answer. I saw them there several different times, but I cannot remember how often.

13th question. What was Rosa's regular business in 1844, 1845, and 1846?

Answer. He was a very ingenious man; he was sometimes a clerk, and a printer, and a tinner, a draughtsman; he was often employed in making maps; he was also a gilder, and I think he was part of that time alcalde of Sonoma.

14th question. Was he employed in all these occupations on the rancho of Julpines?

Answer. He did not; on the ranch he was a carpenter, a farmer, a tailor.

15th question. What was he doing at Julpines the first time you saw him there?

Answer. He was sometimes repairing his house, sometimes his farm.

16th question. Do you not know that he had his house in Sonoma in 1844, 1845, and 1846, without changing his residence during that time?

Answer. He was sometimes during that period living at Monterey; his family was first in Monterey, then they afterwards came to live at Sonoma.

17th question. How far is Suisun from Julpines?

Answer. I do not know, exactly, it is 30 or 40 miles, more or less.

18th question. Was not said Rosa during all the years 1844, 1845, and 1846, alcalde of Sonoma?

Answer. I do not remember.

19th question. Was Pio Pico a man of education, and did he write his name with a uniform signature?

Answer. I do not know the extent of his education; I think he wrote his name with uniformity.

20th question. Did you ever see his genuine signature to grants of land? if yea, state what grants.

Answer. I have seen it to grants, but I cannot remember now what grants they were, except the one before us.

21st question. Did you ever examine the records of the departmental assembly for 1845?

Answer. I never did.

22d question. Are the capital P's in Picos name, as signed to the grant in this case, made in the usual style?

Answer. I think they are.

23d question. Has said Rosa been employed since the conquest of the country in making maps for grants?

Answer. I do not know whether he made any after that, but he made a great many before.

24th question. Who is employed about Sonoma in making maps for such persons as wish them?

Answer. Rosa was the principal map maker there, and always made such as he was requested to.

(Signed) SALVADOR VALLEJO.

Subscribed and sworn to before me on this 18th day of October, A. D. 1854.

(Signed) PETER LOTT,
Commissioner, &c.

Filed in office October 19th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose Ramon Carrillo.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *October* 23*d*, 1854.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, José Ramon Carrillo, a witness on behalf of the claimant, José de la Rosa, in case No. 813 on the docket of said board, and said witness being sworn, deposed in Spanish, which is interpreted by the interpreter to said board, as follows:

The U. S. associate law agent is present.

Questions by Mr Jones for Claimant.

1st question. What is your name, age, and residence?

Answer. My name is José Ramon Carrillo; my age 30 years; my residence in Los Angeles, California.

2d question. Are you acquainted with José de la Rosa; if yea, how long have you known him; and state whether you know of his occupying a rancho; if yea, what rancho, when, and all you know on that subject?

Answer. I am acquainted with said Rosa; I have known him some 15 or 16 years; I knew of his occupying a ranch called Julpines, in the former jurisdiction of Sonoma. I was on said rancho; stopped at Rosa's house on the ranch, and he was living there with his family; this was before the Americans came to the country; I cannot say what year it was, for I do not remember; said Rosa, at that time, had horses and cattle on said ranch, and had erected a corral; I was frequently at the house; I went out hunting in that neighborhood, and used to stop there on my hunting excursions; Rosa's house was an adobe house.

Cross-examined by U. S. Associate Law Agent.

1st question. Did you ever reside in Sonoma, in the neighborhood of said rancho?

Answer. I formerly *live* at the town of Sonoma; I had property there; I lived there about 14 years; I left there finally about 2 or 3 years after the Bear Flag war.

2d question. How long had Rosa *being* living on said rancho when you was first there and saw him?

Answer. I do not know.

3d question. State how many horses and what cattle said Rosa had on said rancho.

Answer. I do not know what number he had, though I saw quite a number of horses and mares there, and some cows and young cattle.

4th question. How much of a family had Rosa when you was there?

Answer. I think he had five children at that time—I am not certain as to the exact number—and his wife was living there with him.

5th question. How long before the Bear Flag war was it that you first saw Rosa on said rancho, living there?

Answer. I do not remember how long it was.

6th question. Did said Rosa ever move off and leave said rancho?

Answer. I do not know of his ever leaving it; he was still on the place when I left Sonoma.

7th question. Did you leave Sonoma before or after the American army came and took the country?

Answer. Just as the Bear flag was raised I began to move away from Sonoma; that is what I mean by the time of the Americans coming.

8th question. Did you ever return to Sonoma again?

Answer. Yes, about two years after that I returned and staid there in Sonoma nearly three years.

9th question. Was Rosa living on the place at that time?

Answer. Rosa was living on the place when I first left Sonoma, and I do not know whether he was there the last three years that I was there after I returned or not; I never saw the rancho during that last 3 years.

10th question. How far was said rancho from Sonoma?

Answer. Some seven or eight leagues, a little more or less.

(Signed) JOSÉ RAMON CARRILLO.
(his rubric.)

Subscribed and sworn to before me on this 23d day of October, A. D. 1854.

(Signed) PETER LOTT,
Commissioner.

Filed in office October 23d, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Wolfskill.

UNITED STATES LAND COMMISSION.

On this day, before Commissioner Alpheus Felch, came John Wolfskill, a witness in behalf of the United States, in case No.

813, in which case Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows:

U. S. law agent is present, and Mr. Jones for claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is John Wolfskill; my age 50 years; residence on Puta creek, Solano county.

2d question. How long have you resided on Puta creek, and in California?

Answer. I have resided on Puta creek since 1842, and in California since 1838.

3d question. State how long you have been acquainted with José de la Rosa.

Answer. I am acquainted with the man, but not by that name; he went by the name of Don Pepa; I think I became acquainted with him in 1844; I believe his residence was in Sonoma, and if he resided elsewhere I was not aware of it; I was frequently in Sonoma and saw him there; he had a family who resided in Sonoma; the last time I saw the family was at Mr. Younts', in Napa Valley, on a visit; this was in the year 1846.

4th question. State where José de la Rosa resided in 1845.

Answer. I do not recollect to have seen him in 1845.

5th question. Are you acquainted with the following district of country between the rancho Suisun of Guadalupe Vallego, and that of Putas of Baca, Armijo, and that of Elachama of Don Juan Bidwell, bounded on the south-southeast by the river Sacramento?

Answer. I am not particularly acquainted with it, but have been over it some, and that portion towards Bidwell's I have never been over up to 1847; I have passed over this country frequently in hunting cattle.

6th question. Were you acquainted with all the rancheros who resided in that portion of Solano county during the years 1845 and 1846?

Answer. Yes, sir; I think I was acquainted with all of them.

7th question. Did any person reside in the above district of country during the years 1845 and 1846, having built a house on the same and cultivated the same?

Answer. I think not.

8th question. If any person during the years 1845 and 1846 had a house and corral, horses and cattle, and land enclosed and cultivated, would you have known it?

Answer. I could not have helped but have known it.

9th question. If José de la Rosa lived upon said tract of land with his family, were you aware of it in 1846?

Answer. I am not aware of it, and I think no one could have resided there with his family without my knowing it.

10th question. How near is the nearest point of said tract of land to the town of Sonoma?

Answer. I think nearly thirty miles.

11th question. Were you in the years 1845 and 1846 in the habit of riding all over said district of country?

Answer. No, not all over, but over the southwestern part, and never on that part towards Bidwell's ranch at any season.

12th question. Were you acquainted with all the ranchos in Solano county before the country was taken by the Americans?

Answer. I think I was, but am not positive, inasmuch as I was never over every part of that country.

13th question. When did you first hear of said tract of land being granted?

Answer. A year and a half ago.

14th question. Did you ever hear of a rancho called by the name of Julpines?

Answer. I have heard of the named as applied to that district of country.

15th question. What portion of the said country were you in the habit of going over?

Answer. Over the southwestern portion, as I have before stated, being that portion between Mersey's creek and Suisun, including the Potrero hills. I have frequently been on that part of the land adjoining Backus' rancho.

16th question. What is your opinion of the distance from your residence on Puta creek to the said tract of land?

Answer. I think it is not more than fifteen miles.

Cross-examined by Mr. Jones, Counsel for the Claimant.

1st question. Are you positive that José de la Rosa never lived upon the rancho?

Answer. I am not positive, because I was not always there with him.

(Signed) JOHN his ⋈ mark. WOLFSKILL.

Subscribed and sworn to before me this 28th day of December, 1854.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office December 28th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Hans Patten.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *January 8th*, 1855.

This day came and was sworn before Peter Lott, commissioner

for taking testimony to be used before the board of U. S. land commissioners in said State, Hans Patten, a witness on behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, and said witness deposed as follows:

The claimants' counsel, Mr. Jones, is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and residence?

Answer. My name is Hans Patten; my age 60 years; my residence in Solano county, California.

2d question. What is your profession, what office do you hold, and how long have you held it?

Answer. I am a surveyor; I am now and have been for the last 15 months county surveyor of Solano county, in this State.

3d question. Look at the map now shown to you marked "A. P. L.," as an exhibit to this deposition, and state who made it.

Answer. I made it myself.

4th question. Look at the description contained in the translation of the grant upon which the claim in this case is founded, and state how much land is contained within those boundaries, together with the date upon which you make your estimate.

Answer. I should say there are 270 thousand acres contained in the land called for by this description, as I understand it. My data for the conclusion are the township lines as laid down by the U. S. surveyor, which I have run as far as the county lines, and by the lines of the Sacramento river, which I have laid down by Ringgold's chart of harbor and river survey, which I understood to be an official survey.

5th question. Did you ever have a conversation with either of the claimants in this case, or their agents, concerning the extent of the claim? If yea, state the substance of that conversation.

Answer. I had a conversation with M. Luco, one of the claimants, I think in the month of December, 1844, at his house, on the claim. I asked him to give me his boundaries that I might delineate his claim as he understood it; his reply was that he did not understand the subject as well as Mr. Cunningham, who had surveyed the land, and could not speak as good English as he wished, and he referred me to Mr. Cunningham for the information I sought; that is all the conversation on this subject I have had with the claimants or their agent, on this subject.

6th question. Upon what information have you marked on your said map, which has been herein exhibited, the bounds of the different claims there laid down?

Answer. I have laid them down from various information; some from the records in the recorder's office in Benicia, some from the testimony of Mr. Hudspeth, (a surveyor,) given in the commission, some from the information of settlers in the neighborhood. In

the case of the claim now before us I was governed by a translation I obtained from the office of the recorder, in Benicia, of a deed which conveyed part of this claim and described the whole claim. That deed was given by said Luco to Salvador Vallejo and a minor of whom Gen'l Vallejo was guardian. I do not know the character of that conveyance.

7th question. In making your surveys and explanations did you examine the country with a view to ascertain if there had been any possession of the premises by building an adobe house, or herding cattle, as far back as 1845 or 1846? If yea, what was the result of your observations, and state whether an adobe house would be likely to disappear entirely in 9 or 10 years?

Answer. I made no such examination. I think an adobe house would not be likely to disappear entirely in 9 or 10 years.

8th question. Have you talked with the old settlers residing in that district in 1845 and 1846 relative to a settlement on the rancho claimed in this case; if yea, what is the general reputation as to any such settlement and occupation?

Answer. I have talked with a few persons—one was Squire Berry, who lived there in 1846—and they seemed to think there had been no such settlement there. I know of no old settlers in that neighborhood except said Berry, and I cannot say anything about the general reputation among old settlers.

Cross-examined by Claimants' Counsel.

1st question. Have you been over the entire area of this rancho?

Answer. I have travelled across it in various directions. I have never traced out its boundaries as a surveyor, nor gone all round them for the purpose of establishing them. I have travelled along so much of the line as his, on the Sacramento river, within Solano county.

2d question. How long have you lived in California, and how long in Solano county?

Answer. I have been in California since February, 1850, and have been about 4 years in Solano county.

3d question. In the estimate you have made of the contents of said rancho do you include the tule along the Sacramento?

Answer. I exclude the tule in Solano county, but include that part which lies in Yolo county.

4th question. Have you ever run any of the principal boundaries of the rancho as marked on your map?

Answer. I never have run any of them. I once in company with a Mr. Fitch, when he was running a part of the boundary of the Suisun ranch.

5th question. Did you run off all the township lines on the Ulpines rancho?

Answer. I did not run them all. I ran the line between township

San Pablo Bay

5 and 6 north as far east as Cash slough, and the eastern portion of the line between township 3 and 4 north, also the northern portion of the line between the ranges 2 and 3 east, and a portion of the line between 7 and 8 north; and I run the meridian line almost the entire length within Solano county. I also run the line between 4 and 5 north, and range 1 west.

(Signed) H. PATTEN.

Subscribed and sworn to before me on this 8th day of January, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office January 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

A map of the county of Solano, in the State of California, prepared by H. Patton, exhibiting the boundaries of the county, the location of the Sacramento river from the city to its estuary, together with the bays, rivers, sloughs, creeks, islands, mountains, hills, and valleys, timbered and tule lands; also the township and sectional lines, as run by the authority of the surveyor general; also the boundaries of the different grants of land within the same, and the towns, villages, public roads, and other noted places.

[*For map see original, page* 46.]

Deposition of Stephen Cooper.

UNITED STATES LAND COMMISSION,
February 8th, 1855.

On this day, before Commissioner Alpheus Felch, came Stephen Cooper, a witness in behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows:

Questions by Mr. Lawrence, who appears for Mr. McKune, Law Agent.

1st question. Please state your name, age, and place of residence.

Answer. My name is Stephen Cooper; my age is fifty-seven; and I reside in Colusi county, California. I lived in Solano county about three months in the year 1846, and returned there in the early part of September, 1847, and continued there from that time until quite recently, when I moved to my present residence.

2d question. Please state all you know in reference to the premises called Ulpines, claimed in this case, and in reference to the occupation and improvement or cultivation of the same by José de la Rosa.

Answer. I am acquainted with said land, and have been since 1846. I have known said de la Rosa by the name of Don Pepo since the winter and spring of 1847. I know nothing of any occupation, improvement, or cultivation of said land by said de la Rosa. I believe I know all the improvements made on said land. There was an adobe house built on the land by L. W. Hastings, who now lives at Sutterville. He built it in the summer of 1847, and lived there a little while. He had a ferry-boat there at that time, but abandoned the place for the mines, I think early in 1848, and has never returned there since. There was no other improvement or house on said premises at the time Hastings put up said house. I looked over the land a little in 1846, and again in 1847, for the purpose of finding a place to settle and make a home. I also, in 1847, inquired of the Spanish settlers whether there was any Spanish grant there or not. They said there were none, unless the man who built the adobe house above referred to had one, and they did not know whether he had or not. I wrote to Mr. Hastings about it, and he informed me that he had none.

If there had been any adobe house on the place in 1845 or 1846, I think the remains of it must have been there when I looked over the place, and even at the present day I think it would not have disappeared; if there had been any such house on the place, I think I should have seen it.

I was acquainted with the rancheros about there in 1846, and have been ever since. I never heard of José de la Rosa claiming to have a grant to the land claimed in this case or any other land in that region. If he had had a grant I think I should have known it. I was assessor the two first years California was a State, and in 1852 I took the census in that region of country. All that had, or pretended to have, Spanish grants, gave them in to be assessed. This rancho was not given in by any one, and was not taxed.

Questions by Mr. Jones, Attorney for the Claimants.

1st question. Did you ever have or locate any claim on said premises?

Answer. I did. I commenced building a house on the land in the summer of 1853, but never completed it. I got the frame up and another man took possession, and I suppose threw it down, and I then abandoned it. I did not want to have a difficulty; I have no interest in or claim to it.

2d question. Did all the claimants of the ranchos give in their lands to be assessed?

Answer. They did, all except one.

3d question. How would you have known if de la Rosa had had a grant?

Answer. I had occasion to make inquiry, and think I should have heard of it. Another reason is that I was frequently over the land, and at the watering places on it, and never saw any signs of improvements.

4th question. When you was making inquiries about the land, did you hear anything from the neighboring rancheros about the place called "Elechama?"

Answer. I did not at that time, but I did afterwards, of Capt. Garitt. I pointed out where I should like to settle, and asked if they knew of any grant covering it, and was informed that they did not.

(Signed) STEPHEN COOPER.

Subscribed and sworn to before me this 7th day of February, 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office February 8th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of William Hargrave.

UNITED STATES LAND COMMISSION,
San Francisco, February 5th, 1855.

On this day, before Commissioner Alpheus Felch, came William Hargrave, a witness on behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows:

Questions by Mr. Lawrence, who appears for Mr. McKune, Law Agent.

1st question. Please state your name, age, and place of residence.

Answer. My name is William Hargrave; my age is thirty-six years nearly, and I reside in Napa, California, where I have lived since 1846.

2d question. Please state all you know in reference to the premises called "Ulpines," claimed in this case, and in reference to the occupation and improvement or cultivation of the same by José de la Rosa.

Answer. I know where the land is which is spoken *off*, but I do not know about de la Rosa having land there. I came to Sonoma in September, 1844, and said de la Rosa's family lived at that time in Sonoma. De la Rosa was not there himself, but was reported to be at Monterey. His family were at Sonoma when I arrived there. I remained at that place until the summer of 1845, or about that time. His family lived there during all that time. He himself returned some time in the latter part of 1844, or the beginning

of 1845. I do not know of his leaving his family after that. In 1845 I went up into Napa, and some time in that year, I think it was in the summer, de la Rosa came up and surveyed off some land to William Fowler and Henry Fowler, which they bought of Doctor Bagle; de la Rosa was at that time alcalde.

After I moved to Napa we did our business at Sonoma, and I was often there. I frequently saw him there when I was in the place, and I also often saw his family there. They were living in the same house where they resided when I left Sonama.

I was at the taking of Sonoma in 1846, and I think de la Rosa was there at that time, but I cannot be certain of this; I think his family was there at that time.

I do not know of de la Rosa ever living on the land in question, or of his ever having a grant of it. I never heard of his having any grant in California. I have been over the land claimed in this case a good many times. If he had resided on the land anywhere in the region where the trail to Sutter's fort passed, I think I should have known it.

If he had had a house on that part of it, I think I must have known it, as I passed that way often. I have been to about all the houses which there were in that region of county anywhere in the neighborhood of the road.

Questions by Mr. Jones, Attorney for Claimants.

1st question. Have you any claim to, or interest in, any portion of the land claimed in this case?

Answer. I have not.

2d question. Do you know the Bidwell rancho Elachama, or the Potrero hills?

Answer. I know neither of them.

3d question. Do you know the place called Montezuma?

Answer. I do not.

4th question. What is the distance from the Baca rancho to the Sacramento river?

Answer. I never passed directly from one to the other, and do not know the distance between them—I have passed by the road.

(Signed) WM. HARGRAVE.

Subscribed and sworn to before me this 7th day of February, 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office February 8th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Sam'l G. McMahan.

UNITED STATES LAND COMMISSION,
San Francisco, February 8th, 1855.

On this day, before Commissioner S. B. Farwell, came Samuel G. McMahan, a witness in behalf of the United States, wherein Juan M. Luco et al. are the claimants, in case No. 813, who, after being duly sworn, deposed as follows:

The U. S. law agent is present.

Witness being duly sworn, deposes and says, that his name is Samuel G. McMahan; my age is 35 years; my residence is on Puta river, Solano county.

1st question. Are you acquainted with the rancho Ulpines mentioned in the grant in this case? If yea, state all you know in regard to its cultivation by José de la Rosa.

Answer. I am familiar with this section of the county, but do not know of any rancho by that name. I first passed through this region of country the last of July, or the first part of August, 1845. From this time, 1845, I passed through this country frequently. I think I was acquainted with all the ranches claimed in that section of the country. If José de la Rosa had claimed a rancho in this vicinity, I think I should have been aware of the fact. I never saw any adobe or improvements on this land. I have never been over the whole of the tract claimed. If there had been any house or improvements in sight from the Sacramento road, I believe I should have known it. I was acquanted with Don Pepe a short time after Sonoma was taken by the Americans in 1846. I resided with Don Pepe, at Mr. Yountz's house. I understand the Spanish language sufficiently well to carry on a conversation at that time, in 1846. Was intimate with Don Pepe, and conversed with him frequently. During our frequent conversations he never mentioned to me that he claimed any rancho, and never spoke of living in any other place but Sonoma since he left Monterey. I had no personal acquaintance with Don Pepe until he came to Yountz's.

Cross-examined by Claimants' Counsel.

1st question. During your intimacy with José de la Rosa, did he ever tell you that he claimed no ranch or land?

Answer. He did not.

2d question. How far did you ever travel off the Sacramento road towards this tract of land claimed in this case?

Answer. I never was off it more than a mile to the best of my recollection.

3d question. Does the Sacramento road, that you have spoken of, pass through the claim?

Answer. I do not know.

4th question. Have you ever been over the tract of land claimed in this case?

Answer. I do not know, because I do not know its boundaries.

5th question. Have you ever heard of the Elachama rancho?

Answer. I heard of it before the war between Mexico and the United States.

Examination in chief resumed.

Question 1st. Do you know how much land is embraced within the limits mentioned in the grant in this case?

Answer. From the line of the Suisun rancho to the Putas river, is twenty-five miles; I do not know how much land is embraced within these limits.

2d question. In your answer to the second question on the cross-examination, you state that you were never *of* the Sacramento road towards this claim more than a mile to the best of your recollection; please explain this more fully.

Answer. Between Suisun and Barker's house, I was never *of* the road more than a mile.

(Signed) SAMUEL G. McMAHAN.

Subscribed and sworn to before me this 8th day of February, A. D. 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office February 8th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James Prigmore.

UNITED STATES LAND COMMISSION,
San Francisco, Feb'y 8th, 1855.

On this day, before Commissioner S. B. Farwell, came James Prigmore, a witness in behalf of the United States, wherein Juan M. Luco et al. are the claimants, in case No. 813, who, after being duly sworn, deposed as follows:

The U. S. law agent is present.

1st question. What is your name, age, and place of residence?

Answer. My name is James Prigmore; my age is 48 years; residence Sonoma, Sonoma county, California. I came to California in 1845, and have resided *resided* in Sonoma since January, 1846.

2d question. Are you acquainted with the rancho Ulpines, mentioned in the grant in this case? if yea, state all you know in regard to the cultivation and occupation by José de la Rosa.

Answer. I know the section of the country mentioned in this grant, but not the rancho by that name; I know José de la Rosa by the name of Don Pepe; I do not know of his ever living on said rancho; he was residing in the town of Sonoma, with his family, when I went there, and has resided there ever since, until recently; José de la Rosa and witness lived in the same dwelling, there being

only a partition between the house; their families were intimate from the time they first went there to reside. If José de la Rosa had owned a rancho, I think I should have known it; he passed over the ranch often in journeys to Sacramento city; I do not know of any cultivation, or of his having an adobe house on said rancho of Ulpines; I never saw any house on the said land from the road in going to and from Sacramento city; it was in the year 1848 that our families resided in the same house.

Cross-examined by Claimants' Counsel.

1st question. Did you or any one of your family speak the Spanish language in the year 1846?

Answer. We did not.

2d question. Did José de la Rosa or his family speak the English language in 1846?

Answer. They did not.

3d question. Did José de la Rosa ever tell you at any time that he had no grant of land?

Answer. He did not.

4th question. Have you ever been on the tract of land claimed in this case?

Answer. I do not know; I have only been on the Sacramento road leading to Barker's house.

(Signed) JAMES PRIGMORE.

Sworn to and subscribed before me this 8th day of February, A. D. 1855.

(Signed) S. B. FARWELL, *Com'r.*

Filed in office February 8th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of William Mathews.

UNITED STATES LAND COMMISSION,
San Francisco, February 8th, 1855.

On this day, before Commissioner S. B. Farwell, came William Mathews, a witness on behalf of the United States, Juan M. Luco et al. claimants, case No. 813, who, after being duly sworn, deposed as follows:

The United States law agent is present.

1st question. What is your name, age, and place of residence?

Answer. My name is William Mathews; my age is 43 years; residence in Napa valley. I have lived in California 22 years, and in Napa valley off and on 22 years.

2d question. Are you acquainted with the rancho Ulpines mentioned in the grant in this case? If yea, state all you know in regard to the cultivation and occupation by José de la Rosa.

Answer. I am acquainted with the land in question, and have

been over it about a dozen times, but not over all of it. I have been acquainted with José de la Rosa, known by the name of Don Peña, ever since he first went to Sonoma. I never knew of his owning or living on a rancho in California. I resided in Sonoma and Napa valley until 1849, and in fact I never lived in any other place three days at a time. He never knew of Don Pepe leaving Sonoma but once, and that was when he took his wife to Doctor Baylis. I know all the rancheros in that section of the country before the war between Mexico and the United States. I can mention all their names. Don Pepe (José de la Rosa) resided in Sonoma before and during the war. If he had resided on a rancho I should have known it.

Cross-examined by Claimants' Counsel.

1st question. Have you ever been to the Elechama rancho, or the rancho of John Bidwell?

Answer. He states that he has never been to said rancho. I know no rancho by that name.

2d question. Have you ever been to the Potrero hills, the locality on the rancho Ulpines?

Answer. He states that he has not. I do not know the place.

3d question. Where was you in the year 1845?

Answer. I was in Sonoma, or in that region of country.

4th question. Where were you in the year 1846?

Answer. I was carrying letters between Sonoma and San Francisco.

5th question. What was your occupation while residing in Sonoma or vicinity?

Answer. I was engaged in whip-sawing. I have never resided in the town of Sonoma more than five or six days at a time except once, when I was in the calaboose for two months. I was put in there by Gen'l Vallejo, because I used offensive language to him (Gen'l Vallejo.)

(Signed) W. MATHEWS.

Sworn to and subscribed before me, this 8th day of February, A. D. 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office February 8th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Felipe Pena.

UNITED STATES LAND COMMISSION,
San Francisco, February 8th, 1855.

On this day, before Commissioner Alpheus Felch, came Felipe Peña, a witness on behalf of the United States in case No. 813,

wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter of the board:

Questions by Judge Hastings, appearing for Mr. McKune, Law Agent.

1st question. Please state your name, age, and place of residence.

Answer. My name is Felipe Peña; I reside in Solano county; and am fifty years of age.

2d question. Are you one of the original grantees of the land called Las Putas, of Baca and Armijo, situated in Solano county?

Answer. I am.

3d question. Do you reside on the land above mentioned? If yea, how long have you lived there?

Answer. I do reside on the land referred to, and have lived there since 1841.

4th question. Are you acquainted with the tract of country bounded by the land above mentioned, the rancho Suisun of Don Guadalupe Vallejo, that of Elachama of Don Juan Bidwell, and by the river Sacramento on the southeast?

Answer. I am acquainted with the tract of land described in the question; I have known it since 1841.

5th question. Are you acquainted with José de la Rosa?

Answer. I am, and have been since 1841.

6th question. Did said de la Rosa ever live upon, or build a house upon, or cultivate any part of said land?

Answer. He never did.

7th question. Where did said de la Rosa reside during the whole time you have known him?

Answer. His principal residence has been at Sonoma ever since I have known him, but he has sometimes been at Sacramento and Napa. He never lived at Napa or Sacramento, but sometimes went there on a visit.

8th qestion. Have you been acquainted with the rancheros in that neighborhood since you first knew this land; and did you ever know said de la Rosa as a proprietor or owner of any portion of that country?

Answer. I have been acquainted with the rancheros in that region during the whole of that time. I never knew said de la Rosa to be the proprietor or owner of any land there.

Questions by Mr. Cunningham, for the Claimants.

1st question. Where was said de la Rosa in the years 1841 and 1842?

Answer. He was at Sonoma.

2d question. Where was he in 1845?

Answer. At Sonoma.

3d question. When was de la Rosa alcalde or justice of the peace?

Answer. In 1845.

4th question. Was you often at Sonoma in 1845 and 1846?

Answer. I was.

5th question. Did you visit him at his house in 1845?

Answer. I did.

6th question. Did you yourself go over the tract of land above described about the years 1845 and 1846?

Answer. I did.

7th question. Are you acquainted with the present proprietors of that land, the Messrs. Lucos?

Answer. I am.

8th question. Have you or your sons had any difficulty with him in regard to cattle?

Answer. We have never had any.

9th question. Did not you and Manuel Baca claim the whole tract of land as belonging to your ranchos?

Answer. We did not.

10th question. Was you intimately acquainted and on friendly terms with de la Rosa?

Answer. We were never very intimate, but we were on friendly terms. I saw him perhaps four or five times during the years 1845 and 1846; in the year 1844 I saw him 5 or 6 times I suppose.

11th question. Did de la Rosa ever tell you he had no grant of land in that region?

Answer. He never did.

(Signed) FELIPE his ⋈ mark. PEÑA.

Subscribed and sworn to before me, this 8th day of February, A. D. 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office February 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Demetrio Pena.

UNITED STATES LAND COMMISSION,
San Francisco, February 8th, 1855.

On this day, before Commissioner Alpheus Felch, came Demetrio Peña, a witness in behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter to the board:

Questions by Mr. Lawrence, appearing for Mr. McKune, Law Agent.

1st question. Please state your name, age, and place of residence.

Answer. My name is Demetrio Peña; my age is twenty-five years, and I reside in Solano county, California; I am a son of Felipe Peña, who has this day testified in this case.

2d question. Are you acquainted with the tract of land called Ulpines, described in the original grant in this case; if yea, how long have you known it?

Answer. I know the land, and have been acquainted with it ever since 1842.

3d question. Are you acquainted with José de la Rosa; if yea, did he ever reside upon, or build a house on, or cultivate any portion of said land?

Answer. I am acquainted with him, and became acquainted with him in 1843, and knew him at Monterey; he never resided upon, or built a house, or cultivated any of said land.

4th question. Where did said de la Rosa reside ever since you have known him?

Answer. After he came from Monterey he lived at Sonoma with his family; his family was living at Sonoma when he was at Monterey.

5th question. Have you been acquainted with all the rancheros in that neighborhood since you first knew this land; if yea, did you ever know de la Rosa as proprietor, owner, or occupant of the same, or any portion of that county; and if he was, would you be likely to have known it?

Answer. I have known all the rancheros in that neighborhood during the time mentioned; I never knew said de la Rosa as proprietor, owner, or occupant of said land, or of any other in that region; if he had been I should have been likely to know it; I have travelled over the land, and if he had had any enclosure or improvements there I should have seen it.

Questions by Mr. Cunningham for Claimant.

1st question. Do you know the Elachama rancho of Don Juan Bidwell?

Answer. I know that rancho I have known it since 1844 or 1845; I do not know who occupied it at that time; I did not see any house on it then; I know that Hastings built a house in the region of country called Ulpines, but I do not know whose land it was on, or the time when it was built.

2d question. How far did *you* or your father's cattle range over that country?

Answer. Our cattle ranged about the corner of our land and near the laguna.

3d question. Did the cattle of anybody else range over the land claimed in this case?

Answer. One Antonio Armijo sometimes pastured his cattle on some parts of Ulpines; I do not know of any other person whose cattle went there.

4th question. Do you know that no other person had cattle there on all that ground previous to 1846?

Answer. The cattle of Armijo were all that I saw there previous to that year.

5th question. Did you ride often over that land?

Answer. I have had occasions to pass over it; sometimes I hunted elk over it, and sometimes had occasion to hunt for animals that had strayed away.

6th question. Who went with you on such occasions?

Answer. My brothers went with me, and others sometimes; when I went after strayed animals I went alone; my father did not go with me.

7th question. Did you ever know your father to go over the land as far as Hastings' house?

Answer. I have; when Hastings built his house we hauled adobes for him, and my father went there at that time.

8th question. Was it not possible that a house should exist on all that land and you not see it?

Answer. If there had been any other house there when I was there I should have seen it; it is not possible that there could have been one without my seeing it.

9th question. Did Antonio Armijo have a house for his vaqueros on the Ulpines?

Answer. He did not.

10th question. Did anybody else?

Answer. No; I have never seen any.

11th question. Where was the landing nearest your rancho, or the one which you used?

Answer. It was the Embarcadero del Potrero del Suisun.

12th question. Do you know the claimants in this case, the Messrs. Lucos?

Answer. I do.

13th question. Have you or your brothers had any quarrel with them?

Answer. We have not.

(Signed) DEMETRIO his ⋈ mark. PEÑA.

Subscribed and sworn to before me, this 8th day of February, 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office February 19th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Bidwell.

UNITED STATES LAND COMMISSION,
San Francisco, February 8th, 1855.

On this day, before Commissioner Alpheus Felch, came John Bidwell, a witness on behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows:

Questions by Mr. Lawrence, appearing for Mr. McKune, Law Agent.

1st question. Please state your name, age, and place of residence.

Answer. My name is John Bidwell; my age thirty-five years; and I reside in Butte county, California.

2d question. Are you acquainted with the place called Ulpines which is claimed in this case; if yea, how long have you known it?

Answer. I am acquainted with the scope of country in which the land claimed in this case is situated; I have known it ever since 1842; I was the original grantee of the land called Bidwell's rancho, which is designated in my grant by the name of Ulpines, and now known by the name of Elachama; this ranch is situated on the east or southeast side of the land claimed in this case.

3d question. Where is the rancho Suisun situated in reference to the land in question, and also the rancho of Baca and Armijo?

Answer. The rancho of Suisun forms a portion of the western boundary of the land claimed in this case; the ranchos of Armijo and Baca form a portion of the northern boundary of the land claimed, and the remainder of the *of the* northern boundary would be vacant lands to the best of my knowledge.

The Sacramento river bounds it on the east, and the land granted to me before mentioned on the south; the land granted to me, the lower part of the Sacramento river and the upper part of the Suisun bay, or the marshy lands that border the same, is the boundary.

4th question. How much land is embraced within the limits above mentioned?

Answer. It would be impossible to say accurately, the shape being very irregular, but the extent could not fall short of forty or fifty square leagues of land.

5th question. Are you a practical surveyor; and if yea, are you able to form a correct estimate of the land embraced?

Answer. I have followed the business of surveyor some in my life, and call myself a tolerably good surveyor; I am well acquainted with that country, and have travelled over it some, and several times around it.

6th question. Were you acquainted with all the rancheros in that part of the country during the latter part of 1845 and in 1846; if yea, did José de la Rosa live on the rancho in question at that time?

Answer. I think I was acquainted with all of them; said José de la Rosa did not live on the rancho in question to my knowledge.

7th question. Were the premises claimed in the case occupied or cultivated by any one during the years 1845 and 1846?

Answer. Not to my knowledge; I was acquainted with said de la Rosa in 1845; at that time he lived at Sonoma, and was alcalde. He continued alcalde until the Americans took possession of the country, according to the best of my recollection.

8th question. Would you have known it if de la Rosa had lived on the rancho claimed during the time above mentioned?

Answer. I think I should; I was at Sonoma a few days after the raising of the Bear flag; de la Rosa was there at that time.

Questions by Mr. Cunningham for Claimants.

1st question. Did you pass over the land in question in 1844, 1845 and 1846?

Answer. In 1844 I passed through it and around it; in 1845 I passed along what I supposed to be the northern border of the tract; in 1845 I also passed from Suisun to the tract which was granted to me, through what I supposed to be the land claimed in this case. In passing from Suisun I left a mountain on my left hand, which is a high elevation, and as I approached the Sacramento river I left the timber and the slough, called Ulpines, at my left.

2d question. Did you ever explore the southwest part of the tract?

Answer. In 1844 I did, but not afterwards.

3d question. In that vast tract of land would it not be possible for a house to exist on any portion of it in those years without your observing it?

Answer. It is an immense tract of country, and some of it very rolling. There might have been a hundred there out of my sight.

4th question. What is the character of the tract on the eastern portion of it?

Answer. It is a low flat country covered with tule, and intersected by sloughs.

(Signed) J. BIDWELL.

Subscribed and sworn to before me, this 8th day of February, 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office February 9th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Rose.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *Feb'y 9th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, John Rose, a witness on behalf of the United States, in case No. 813 on the docket of said board, wherein Juan Luco et al. are claimants, and said witness being sworn, deposed as follows:

Mr. Jones appears for claimants.

Questions by U. S. Law Agent.

1st question. What is your name, age and residence?

Answer. My name is John Rose; my age 37 years; my residence in Yuba county, California, and about six miles from Marysville.

2d question. Are you acquainted with the district of country mentioned in the translation of the title papers in this case by the name of the rancho of "Ulpinas?" If yea, state how long you have known it.

Answer. I have known that district of country since 1848.

3d question. How much land is embraced in the land according to the description in said translation of the title papers in this case now before you?

Answer. I do not know the boundaries of the land; but from what I know of Baca's ranch, Armijo's, Suisun, (Vallejo's,) and Wolfskill's, which were the only ranches I knew in that vicinity, I should say there must be somewhere about 300 square miles in this land claimed in this case, but I do not know the boundaries of these ranches I have named. So far as I know, Baca's boundary has never been defined. My knowledge is derived from persons merely pointing out to me as I would be passing along the road: "This is Wolfskill's, that is Baca's, &c."

4th question. Are you acquainted with José de la Rosa; if yea, how long have you known him, and where has he lived during your acquaintance with him?

Answer. I have known said Rosa off and on since 1845; he has lived in the town of Sonoma. I worked in Napa, and used frequently to ride over to Sonoma, in 1845 and 1846, and I generally saw him there when I visited the place in those years; he had a family and was living there with them in 1846 till the Bear flag was raised.

5th question. Did said Rosa, or any one for him, own, occupy, or cultivate any of the land claimed in this case before 1848? and state your means of knowing.

Answer. I do not know whether any of it was cultivated or occupied or not before 1848. I never was over the land before 1848.

6th question. If Rosa had moved unto this land in 1845 or 1846 would you not have necessarily known it?

Answer. He might have moved unto it without my knowing it, but he could not have staid there long at any time, for I generally saw him on my occasional visits to Sonoma.

Cross-examined by Claimant.

1st question. When did you come to California, and where have you resided since you came?

Answer. I came in 1840, first on board of a vessel, but I did not come to reside permanently till 1843; I lived in Monterey till May, 1844; from that time till May, 1847, I lived in San Francisco, but I was about half my time during those 3 years at work in Napa. I then resided permanently in Napa from May, 1847, till June, 1848; I then went to the mines, and finally settled where I now live about April, 1849, where I have lived ever since.

2d question. What is your profession?

Answer. I am a shipwright.

3d question. Have you or your family connections any interest, by pre-emption or otherwise, in this tract of land claimed in this case?

Answer. None whatever.

4th question. When did you first hear of the claim in this case?

Answer. I think about two weeks ago, a man whom I do not know spoke to me in Marysville, and asked me what I knew about Don Papi de la Rosa, and I told him what I knew, and after that the deputy marshal subpœnaed me here as a witness. No one else asked me to come.

5th question. Have you travelled past said land in question or seen it, since you was thus informed of the claim and subpœnaed?

Answer. I came down by water.

6th question. How and when did you form your estimate of 300 square miles, or the contents of this claim?

Answer. I formed it, I think, yesterday. I always thought there was more land in it, but yesterday we had a kind of argument about it, and I came to the conclusion there could not be less than this amount of land in it.

7th question. Have you ever been upon the land?

Answer. I have often travelled along the Sonoma and Sacra-

mento road, but I do not know whether the road is on the land or not. I think it is not.

(Signed) JOHN ROSE.

Subscribed and sworn to before me, on this 9th day of February, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office February 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of David T. Bird.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February 9th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, David T. Bird, a witness on behalf of the United States, in case No. 813 on the docket of said board, wherein Juan M. Luco et al. are claimants, and said witness being sworn, deposed as follows:

Mr. Jones appears for claimants.

Questions by U. S. Law Agent.

1st question. What is your name, age, and residence?

Answer. My name is David T. Bird; my age 36 years; my residence in Yolo county, California.

2d question. Are you acquainted with the rancho called Ulpines, claimed in this case; if yea, how long have you known it?

Answer. I am not acquainted with the rancho at all. I never heard of it till a few days ago.

3d question. Are you acquainted with the district of country mentioned in the title papers in this case; if yea, how long have you known it?

Answer. I am acquainted with the district of country in which this grant is said to be located; I have been acquainted with it since 1844, off and on. I have not read the title papers in this case.

4th question. What are the boundaries which you have heard mentioned as the boundaries of this district of country, to which you have alluded in your last answer?

Answer. The district of country which I have alluded to is the land lying between the Soscol and the Puta, and between the mountains and the marsh of the bay of Suisun or the Tules.

5th question. Look now at the document shown to you, marked A. P. L., as an exhibit to this deposition, and state whether the

description of land claimed therein answers to the land you have described.

Answer. It appears to answer the description which I gave, except that this paper mentions Baca's land as a boundary, which lies within the limits of my general description, from the mountains to the marsh; and it also excluded Vallejo's ranch, which would come within my general description of the district of country.

6th question. How much land is contained in the description in said document, according to your estimate from your knowledge of the country?

Answer. This description would be somewhere about 30 miles long, in a northeasterly and to the westerly course, which is the longest part of the land; and the width of it, judging from about *were* I think Baca's land comes down, would be about 6 or 7 miles. I cannot speak accurately of these distances.

7th question. Was any of said land cultivated by José de la Rosa, or any person for him, before 1848?

Answer. There was no such cultivation that I know of; I rather think there was none. I was over that land in different directions, hunting elk, in 1845, 1846, 1847 and 1848, and I frequently travelled the road leading from Sonoma to Sacramento, which is said to pass along by this land, and I never saw any such cultivation, and if there had been any, I am confident I must have known it. If there had been any house there I certainly would have known it.

8th question. Are you acquainted with said José de la Rosa; if yea, how long have you known him, and where has he resided during all the time you have known him?

Answer. I am acquainted with him. I first knew him in 1845; I think in the spring of that year. He then lived in Sonoma, in the town of Sonoma; he continued to live there till the spring of 1846, when I went into the war; when I returned, about the first of March, 1847, he was still living in the same house in Sonoma where I left him in 1846, or his family did; he might have been away occasionally, but I frequently saw him there. I then moved into the next house to him, and he continued to live there till I left for the mines in the spring of 1848.

Cross-examined by Mr. Jones for Claimants.

1st question. In what part of Yolo county do you reside?

Answer. I live at a place called the "Lone Tree," 12 miles from Carmel and 12 miles from Cache creek, and about 30 miles from the northeast part of the land I have described in this case, which is the nearest point of said land to my place of abode.

2d question. Have you now, or have you had, any squatter or pre-emption claim on this land in question, or any school land warrant?

Answer. I have never had either or any of them, and I never lived upon it.

3d question. You have stated that you never heard about this claim or the description of the land claimed till a few days ago; who told you about it, and who requested you to come and testify now on the part of the government?

Answer. Some two or three weeks ago a doctor (a small man, whose name I do not remember, though he told me his name, and I think it may be Koskerry, and I think he lives on the land) came to me as an old settler of the country, and inquired what I knew about this land. I told him about what I knew in relation to it. About a week after that the U. S. marshal summoned me as a witness here; no one else asked me to come.

4th question. Did said Koskerry tell you he had a claim upon said land, and that he also represented others who had claims?

(4th question objected to by U. S. law agent as irrelevant.)

Answer. I think I asked him if he lived upon the land, and I think he told me did; he said nothing about any other persons. I understood from his saying he lived upon it, that he probably claimed a portion of it.

(Signed) DAVID T. BIRD.

Subscribed and sworn to before me on this 9th day of February, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office February 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Willis Long.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February 9th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of the U. S. land commissioners in said State, Willis Long, a witness on behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, and said witness being sworn, deposed as follows:

The U. S. law agent is present. Mr. Jones appears for claimants.

Questions by U. S. Law Agent.

1st question. What is your name, age, and residence?

Answer. My name is Willis Long; my age 37 years; my residence in Baca valley, Solano county, California.

2d question. Are you acquainted with the district of country mentioned in the translation of the title papers in this case by the

name of the rancho of "Ulpines;" if yea, how long have you known it, and how much land does it contain?

Answer. I do know it, but I did not know it by that name till some time last fall; I have known the district of county there ever since 1847; I have not much idea of the quantity of land it contains; it is a pretty large scope of country; in it I should think there could not be less than 250 square miles *in it.*

3d question. Are you acquainted with José de la Rosa?

Answer. I am not; I do not know that I ever saw the man.

4th question. Was this land spoken of ever owned, occupied, or cultivated by any person under a Spanish grant?

Answer. I never knew of any such occupancy or cultivation under any Spanish grant; I moved on to this land in 1847, and lived there till the spring of 1848; then I went to the mines. While I lived on the land, there was no one living on the land besides myself that I knew of, and I hunted and travelled over it, and there was never any cultivation or occupancy there besides my own, to my knowledge; if there had been, I think I would certainly have known it; nor there was no sign of any old improvements.

5th question. Had you any conversation with the old rancheros about there when you settled on the land with reference to its being claimed under any Spanish grant; if yea, what was that conversation?

Answer. I could not speak Spanish, but I learned from Baca and Peña where their lines come to, and where I could go and settle without being on any grant, and I settled under this information where I understood the land was vacant; I and two of my brothers talked with these Spaniards, through an interpreter, an American, whose name I do not remember—I think it was Hoppe—and the Spaniards above named told us that the land where we settled was vacant land.

Cross-examined by Claimant.

1st question. Describe the place where you reside.

Answer. I live about two miles above the Sonoma and Sacramento road, towards the hills; I bought where I now live, where my brother and myself own about a half league; we bought of Patton and Lyons, who bought from Baca.

2d question. Have you or your brothers any claim, by preemption or otherwise, on the land claimed in this case?

Answer. We have not; I once had a squatter's claim, but I sold it before I ever heard of the claim in this case, to one Stevenson, Bush Stevenson; he still lives there on the land; I sold to him some time last spring, about 12 months ago.

3d question. What improvements did you make on said land in 1847 and 1848?

Answer. When and my brothers went there in 1847, we

built a small redwood house, and in the spring of 1848, when we went to the mines, we had put in a little garden of vegetables, enclosed with a brush fence; we came back to the place in March, 1850; we built another house; we then had cattle there; then we moved in 1851 to where I now live.

4th question. When you returned to the place in 1850, did you find your improvements there undisturbed?

Answer. We found our house there unoccupied, but the brush fence had been burnt.

5th question. How much did you sell to Stephenson?

Answer. 160 acres was all we claimed, and that was what we sold.

6th question. Was the land you settled on and claimed ever surveyed?

Answer. I have understood there has been a government survey; our claim was about 3 miles nearly due south from Baca's house, near the foot of the hills.

7th question. Is the tract of country or the land claimed in this case well timbered or not?

Answer. It is not well timbered; there are some trees on it towards the Sacramento river; I do not think there is a tree on the southern part.

(Signed) WILLIS LONG.

Subscribed and sworn to before me on this 9th day of February, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office February 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of William Denton.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *February 15th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commission in said State, William Denton, a witness on behalf of the U. S. in case No. 813 on the docket of said board, wherein Juan M. Luco et al. are claimants, and said witness being sworn, deposed as follows:

The claimants' counsel is present, Mr. Jones.

Questions by U. S. Associate Law Agent.

1st question. What is your name, age and residence?

Answer. My name is William Denton; my age 26 years; my residence at Benicia, Solano county, California.

2d question. State whether you are acquainted with the land claimed in this case, called "Ulpines?"

Answer. I am acquainted with the greater portion of said lands.

3d question. State what you know as to whether portions of said lands are public lands of the United States; and if yea, how do you know it? State also whether they have ever been surveyed as such public lands; and if yea, when, by whom, and by what authority such survey or surveys were made.

Answer. I was acting as deputy county surveyor of the county of Solano in 1852 and 1853, and I made, during the year I thus acted, inquiries of various old settlers in that country, whether they knew of any Spanish grant, or any claim or claimant to the lands now in question. They stated that they knew of none, and had never heard of any such grant or claim. I was called upon by Judge Hastings for the U. S. surveyor general, Samuel D. King, to certify, to the best of my knowledge and belief, whether there were any Spanish grants contained within the boundaries of townships 4 and 5 north, of range 1 west. I certified that I believed there was none. I made this certificate in my official capacity as deputy surveyor as aforesaid; I also was called upon by John C. Hays, U. S. surveyor general, to certify as to whether there were any Spanish grant or claim embraced within townships 3, 4, and 5 north, in range 1 east. I certified in pursuance thereof that there was no such grants or claims, to the best of my knowledge or information. I never examined the county records, but it was the general understanding there that there was no such claim upon these lands then, that could be heard of. Townships 4 and 5 north, of range 1 west, were let out under contract to Nicolas Gray, a U. S. deputy surveyor, by Samuel D. King, the U. S. surveyor general, in the summer or spring of 1853, to be surveyed by sectionizing said township, and townships 3, 4, and 5 north, of range 1 east, were surveyed by me in the fall of 1853. I was then acting as U. S. deputy surveyor, under said surveyor general, John C. Hays. I subdivided those 3 townships into sections, and my work was received and approved by said surveyor general; copies of the maps of my said surveys, I believe, are in the office of the register of the land office of the United States at Benicia, and since the said survey portions of the land *has* been entered at said office, both by school land warrants of this State and, I believe, by pre-emption. And I have located such school warrants under the State law, upon some of these lands, which I thus believed to be public lands, as before stated, for those settlers who informed me that it was government land. I have been conversant with that whole tract of country since the fall of 1852 till the present time, with the exception of some time last summer and fall, when I was absent, and I have never seen any evidence of any old Spanish improvements, or heard of any on said lands, except

the Montezuma House, which is reputed to belong to L. W. Hastings, of Sacramento, with one square mile of the ground, under an alcalde grant.

Cross-examined by Claimants' Counsel.

1st question. State when you made the certificates you speak of to the U. S. surveyor generals, King and Hays.

Answer. The one I made to King may have been made in the fall of 1852, or in the spring of 1853; and the only I made to Hays was, I think, in the latter part of the summer, 1853. I do not remember the exact dates without a reference to the papers.

2d question. When did you first hear of the grant in this case?

Answer. I first heard of it from a Mr. Cunningham, at a place called Silve's House, in Solano county, in the month of August or September, 1853, as near as I can recollect.

3d question. Did you not then know that the Messrs. Lucos owned and occupied a house on this land in question, under a Spanish grant?

Answer. To the best of my belief I did not.

4th question. Did you, previous to that time, examine this land for the purpose of ascertaining whether there were on it any traces of former occupation?

Answer. I did not.

5th question. Were there any U. S. surveys made on this land previous to your giving your certificates before mentioned to King and Hays?

Answer. There were surveys of townshipping made before that, but none of sectionizing.

6th question. Have you any claims on this land by pre-emption or school land warrants?

Answer. Yes; I claim, I think, a fractional quarter section, or an undivided half of a fractional half section, by school land warrant. I have no other claim.

7th question. Do you belong to an association called the "Squatters' League," or "Settlers' League?"

Answer. I have never subscribed anything to that association, nor signed my name to any paper, nor been present at any meeting. I am not a member of any such association. It is my intention to defend our rights, the settlers' rights, on the land claimed in this case, and it is my intention to subscribe; the settlers up there may now, for aught I know, consider me a member, for I told them I would subscribe.

8th question. Who caused you to be subpœnaed in this case?

Answer. I saw Judge Hastings at Benicia the other day, and he told me my testimony would be required down here in this case; and I believe, when I came here yesterday, I asked him if it would not be better to have me subpœnaed, and I was accordingly subpœnaed.

9th question. When did you first see Mr. Luco's house?

Answer. I do not know, exactly, but I think it was some time in the year 1853.

10th question. Is that house in full view from the place where you staid in the summer of 1853?

Answer. I was not there in the summer of 1853, but in the fall of that year, and the house mentioned is in view from the place at which I then camped.

Re-examined by the Law Agent, through Judge Hastings.

1st question. How many leagues are contained in the land claimed in this case?

Answer. I find, from a rough estimate made in the records of the surveyor general's office, that there are about 50 leagues of land embraced within the boundaries of this claim.

(Signed) WILLIAM DENTON.

Subscribed and sworn to before me on this 15th day of February, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office February 19th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Leandro Antonio Duque de Ortega.

UNITED STATES LAND COMMISSION,
San Francisco, March 5th, 1855.

On this day, before Commissioner Alpheus Felch, came Leandro Antonio Duque de Ortega, a witness on behalf of the claimants, Juan M. Luco et al., in case No. 813, who, after being duly sworn, deposed as follows; his evidence being interpreted by the secretary:

Questions by Mr. Jones, Attorney for Claimants.

1st question. Please state your name, age and place of residence.

Answer. My name is Leonidio Antonio Duque de Ortega; my age is seventy-four years; and I reside at San Pablo, California.

2d question. Do you know José de la Rosa?

Answer. I do; he came to California as a colonist with me in 1844.

3d question. Are you acquainted with the tract of land which is bounded by the rancho Suisun, rancho of Baca and Armijo, rancho Elachama, and on the south and southeast by the Sacramento river, called Ulpines?

Answer. I am acquainted with it.

4th question. In what years did you go over it, and did you ever know of its occupation by said de la Rosa?

Answer. I was over the rancho in 1838; when I passed over it at that time I saw upon it cattle with the brand of Guadalupe Vallejo, and horses with the brand of Salvador Vallejo; I know that said de la Rosa had applied to Salvador Vallejo for a provisional grant of the land, but I do not know whether he got a grant for it or not; Salvador Vallejo was at that time captain and alcalde; it was occupied by these cattle and horses of the Vallejos for said de la Rosa, as I afterwards understood.

Question 5th. Have you ever seen a house on said rancho; if yea, when, and on what part of said rancho was it, and whose was it?

Answer. In the same year of 1838 I saw a house on the land, which was built of poles set up in the ground, and plastered with mud; the roof was covered with boards; the house was situated on the right-hand side of the road as you go from Sonoma to Sacramento, and near the embarcadero; according to my recollection the house was about seventy or one hundred varas from the arroyo or embarcadero or estero; the Sacramento river could just be perceived from the house. I saw some Indians from the pueblo of Sonoma at the house; I asked the Indians whose house it was, and they told me that it belonged to José de la Rosa.

(This answer is objected to by Judge Hastings, who appears for the law agent.)

6th question. Did you enter the house, and what did you do there?

Answer. I did not enter the house; I was going to Sacramento and stopped at the house, and asked the Indians for some milk, and they gave it to me; on my returning the same thing passed; I did not enter the house either time while I was there; I asked the Indians who the horses and cattle there belonged to; they said to José de la Rosa.

7th question. Could said house be seen from the main road from Sonoma to Sacramento; what was its distance from said road?

Answer. It could be seen from said road; I saw the house from the travelled path before I turned off; there was no other road than the paths; there were a number of paths there which were made by the cattle and elks; there was no wagon road; I do not know how far the house was from the road.

8th question. When you started from Sonoma was it your intention to stop at that house?

Answer. It was.

9th question. Are there any landmarks by which you could recognise the location of the house at the present day?

Answer. The whole is now changed, and I could not now tell where it was situated.

Question 10th. Were there any hills near the house or in the neighborhood?

Answer. There are two hills called the Pulpones, which were at some distance from the house; some people called them Ulpines; there were some two low barren hills in the neighborhood; the house was on the land occupied previously by José de la Rosa.

Questions by Judge Hastings on behalf of the United States.

1st question. What business did José de la Rosa follow at the time you saw the house, and where did he reside?

Answer. He lived at Sonoma, but I do not know what business he was engaged in.

2d question. How many leagues from Sonoma was the house you speak of?

Answer. I do not know the distance; I started from Sonoma at 6 o'clock in the morning, and arrived at Sacramento in the evening of the same day.

3d question. What was the length and the height of said house?

Answer. I did not go there to measure the house; I cannot tell its height or length.

4th question. Was the house made for a residence of white persons or the Indians?

Answer. It was built for de la Rosa, as a matter of course, and not for the Indians; the Indians were living in the same house, taking care of the stock.

5th question. Were there any cultivated grounds about or near the house?

Answer. I did not see any.

(Signed) LEIONIDO ANTONIO DUQUE DE ORTEGA.

Subscribed and sworn to before me on this 5th day of March, A. D. 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office March 5th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Henry D. Bequette.

UNITED STATES LAND COMMISSION,
San Francisco, March 5th, 1855.

On this day, before Commissioner Alpheus Felch, came Henry D. Bequette, a witness on behalf of the United States, in case No. 813, who, after being duly sworn, deposed as follows:

Questions by Judge Hastings, who appears for the Law Agent, on behalf of the United States.

1st question. Please state your name, age, and place of residence.

Answer. My name is Henry D. Bequette; my age is about twenty-two years; and I reside at San Francisco, California. I am the son of the receiver of public moneys at Benicia.

2d question. Are you acquainted with the handwriting of William W. Gift, register of the United States land office at Benicia, California, and of John Wilson, Commissioner of the General Land Office at Washington, in the District of Columbia?

Answer. I am; I know said Wilson's handwriting and signatures from having seen documents and other communications signed by him, and received from him by my father as receiver of public moneys; I know said Gift's handwriting from having seen it to letters and correspondence.

3d question. Look on the document now here presented to you, and marked "Exhibit No. 1," with the initials "A. F.," hereto annexed, and state whether you have seen the originals of which this document contains copies; and if so, whether the same are true copies of such originals, and whether the signatures of said Gift and Wilson to said originals are their true and genuine signatures respectively.

Answer. I have examined said document; it contains copies of seven certificates of location of land issued by said Gift, and a copy of a letter from the General Land Office, purporting to be signed by said Wilson, and directed to S. C. Hastings; I have seen the originals, and have compared these with the same, and find them to be true copies of them; the signatures of said Gift and Wilson to said originals I believe to be in their handwriting respectively, and to be their true and genuine signatures.

(Signed) HENRY D. BEQUETTE.

Subscribed and sworn to before me this third day of March, 1855.

(Signed) ALPHEUS FELCH,
Commissioner.

I have notice of the taking of the testimony of the above witness, and have no questions to propound to said witness.

(Signed) EDWARD JONES,
Counsel for Claimants.

Filed in office March 5th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Exhibit No. 1 *A. F., annexed to Depo. of Henry D. Bequette.*

April 17.

LAND OFFICE,
Benicia, California, A. D. 1854.

No. 16.

I hereby certified, that S. C. Hastings has this day located at

this office tracts Nos. one and two, and northwest qr. of sec. No. 15, township No. 4 N., 1 W., containing 272 $\frac{10}{100}$ acres, under warrant No. 528 and 613, issued under the act of the California legislature, approved the 3d day of May, 1852, in part satisfaction of the grant made by the 8th section of the act of Congress approved the 4th September, 1841.

Taken for 320 acres.

(Signed) WM. W. GIFT, *Register.*

July 10th.

LAND OFFICE,
Benicia, California, A. D. 1854.

No. 18.

This is to certify, that S. C. Hastings has this day located at this office the W. $\frac{1}{2}$ and N. E. $\frac{1}{4}$ of sec. No. 25, E. $\frac{1}{2}$ of sec. No. 27, and S. E. $\frac{1}{4}$ of sec. No. 22, and S. W. $\frac{1}{4}$ of sec. No. 23, in township No. 5 N., range No. 1 E., containing 1,120 acres, under warrant No. 229, 695, 696, 518, 231, issued under the act of the California legislature, approved the 3d day of May, 1852, in part satisfaction of the grant made by the 8 section of the act of Congress approved the 4th of September, 1841.

Taken for 1,120 acres.

(Signed) W. W. GIFT, *Register.*

July 10th.

LAND OFFICE,
Benicia, Cala., A. D. 1854.

No. 18.

It is hereby certified that S. C. Hastings has this day located at this office the S. $\frac{1}{2}$ of sec. No. 3, and 5 $\frac{1}{2}$ of sec. No. 1, in township No. 4 N., range No. 1 E., containing 640 acres, under warrants No. 202, 230, issued under the act of the California legislature, approved the 3d day of May, 1852, in part satisfaction of the grant made by the 8th section of the act of Congress approved the 4th of September, 1841.

(Signed) WM. W. GIFT, *Register.*

Taken for 640 acres.

LAND OFFICE,
Benicia, Cala., A. D. 185 .

No. 18.

It is hereby certified that S. C. Hastings has this day located at this office all of sec. No. 6, and N. $\frac{1}{2}$ of sec. No. 26, and E. $\frac{1}{2}$ of sec. No. 23, and W. $\frac{1}{2}$ of sec. No. 27, in T. 5 N., R. 1 E., containing 1,588 $\frac{62}{100}$ acres, under warrants Nos. 629, 700, 683, 691, 684, 682, 690, 693, 692, 685, issued under the act of the legislature of the State of California, approved the 3d of May 1852, in part satisfac-

tion of the grant made by the 8th section of the act of Congress approved the 4th day of September, 1841.

(Signed) W. W. GIFT, *Register.*

Taken for 1,600 acres.
August 26th, 1854.

LAND OFFICE,
Benicia, Cala., A. D. 1854.

No. 18.

It is hereby certified that S. C. Hastings has this day located at this office N. ½ of section No. 10, S. ½ of N. E. ¼, and S. ½ of N. W. ¼ of sec. No. 1, S. ½ of N. E. ¼, and S. ½ of N. W. ¼ of sec. No. 2, T. 4 N., R. 1 E., containing 640 acres, under warrant No. 694, 687, 688, 686, issued under the act of the California legislature, approved the 3d day of May, 1852, in part satisfaction of the grant made by the 8th section of the act of Congress approved the 4th day of September, 1841.

(Signed) WM. W. GIFT, *Register.*

Taken for 640 acres.
August 26th, 1854.

December 24th.

LAND OFFICE,
Benicia, California, A. D. 1853.

No. seven.

It is hereby certified that S. C. Hastings has this day located at this office N. ½ of sec. No. 10, S. W. ¼ of sec. No. 3, N. W. ¼ of sec. No. 13, S. E. ¼ and tracts Nos. 1, 2, 3 and 4, of sec. No. 5, S. ½ and tracts Nos. 1 and 2 of sec. No. 4, N. ½ of N. W. ¼ and tracts Nos. 1, 2, 3 and 4, of sec. No. 14, S. ½ of N. E. ¼ of tracts Nos. 21, 3 and 4 of sec. No. 15, and tract Nos. 3 and 4 of sec. No. 12, all in township No. 4 N., of range No. 1 W., containing 1,729 $\frac{39}{100}$ acres, under warrant No. issued under the act of the California legislature, approved the 3d day of May, 1852, in part satisfaction of the grant made by the 8th sec. of the act of Congress approved the 4th of September, 1841.

(Signed) WM. W. GIFT, *Register.*

Taken for 1,760 acres.

December 24th.

LAND OFFICE, *Benicia, Cala., A. D.* 1853.

No. 8.

It is hereby certified that S. C. Hastings has this day located at this office sec. No. 27, N. of sec. No. 34; W. ½ of sec. No. 25; N. ½ of sec. No. 35; N. E. ¼ of sec. No. 18; S. ½ of sec. No. 8; S. ½ of sec. No. 22; N. ½ of sec. No. 17; S. ½ of sec. No. 21; N. ½ of

sec. No. 28; S. ½ of sec. No. 18; N. ½ of sec. No. 19; S. W. ¼ of sec. 10; and S. E. ¼ of sec. No. 9—all in township No. 5 N., of range No. 1 west—containing 4,320 acres, under warrant No. , issued under the act of the California legislature approved the 3d day of May, 1852, in part satisfaction of the grant made by the 8th section of the act of Congress approved the 4th of September, 1841.

(Signed) WM. W. GIFT, *Register.*

Taken for 4,320 acres.

LAND OFFICE, *Benicia, December* 24, 1853.

This certifies that S. C. Hastings has filed in this office the following land warrants, assigned to him for location upon public lands of the United States, which are this day located, and are to be transmitted to the Commissioner of the General Land Office in Washington:

	Date.	Acres.	To whom granted.
No. 533	April 7, 1853	160	Phillip and Bowll.
" 531	" "	160	" "
" 127	Sept. 1, "	320	Christopher Garvez.
" 128	" "	320	" "
" 532	April 7, "	160	Philip and Bovee.
" 534	" "	160	" "
" 540	" 12, "	160	Henry Meredith.
" 53	June 3d, 1852	160	S. Clinton Hastings.
" 51	" "	160	" "
" 42	July 21st, "	320	Arthur Morse.
" 529	April 7th, 1853	160	Decker J. Snyder.
" 206	June 19th, 1852	160	Dudley C. Bryan.
" 52	" 3d, "	160	S. Clinton Hastings.
" 54	" "	160	" "
" 80	Sept. 30th, "	320	E. L. Stitson.
" 89	Nov. 1, "	320	James Berry.
" 204	June 19th, "	160	Dudly C. Bryan.
" 205	" "	160	" "
" 110	Dec. 1, "	320	Thos. J. Henley.
" 109	" "	320	" "
" 79	Sept. 30th, "	320	E. S. Stitson.
" 207	June 19th, "	160	Dudley C. Bryan.
" 245	Aug. 8th, 1853	320	Sam'l J. Hensley.

List of Land Warrants—Continued.

	Date.	Acres.	To whom granted.
No. 244	Aug. 8th, 1853	320	Sam'l J. Hensley.
" 302	" 24th, "	320	John Abel.
" 302	" "	320	"

(Signed) WM. W. GIFT,
Register Land Office, Benicia, California.

LAND OFFICE, *Benicia, Cala.*

This gives the number of all the warrants located upon the lands as described in the two certificates herewith attached, the same being in the name of S. C. Hastings, and bearing date the 24th day of December, 1853.

Witness my hand this 24th day of December, 1854.

(Signed) WM. W. GIFT.
By MARVIN, *Clerk.*

GENERAL LAND OFFICE, *February 18th*, 1854.

SIR: I am in receipt of your letter of the 15th ult., in reference to the *sections* made by yourself and others as agents of the State of California under the eighth section of the act of the 4th September, 1841, and requesting that those selections may be promptly acted upon and the State warrants returned to the register for delivery to the parties entitled thereto.

You may rest assured that there will be no necessary delay here on certifying to the State these lands. The State warrants, however, will have to be retained here, as they will have become the basis of official action; but as the locators will have to have some evidence upon which the State authorities can act, the register at Benicia and Los Angeles have this day been instructed to issue certificates of location, upon which, it is presumed, the State will issue the patents. This is the course adopted by the State of Louisiana.

I am, very respectfully,
Your ob't servant,
JOHN WILSON,
Commissioner.

S. C. HASTINGS,
San Francisco, California.

Filed in office March 5th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Salvador Vallejo.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *March 5th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Salvador Vallejo, a witness on behalf of the claimants, Juan M. Luco and José S. Luco, in case No. 813 before said board, and said witness being sworn, deposed in Spanish, which was interpreted, as follows:

Judge Hastings appears for the U. S. law agent.

Questions by Mr. Jones for Claimant.

1st question. What is your name, age, and residence?

Answer. My name is Salvador Vallejo; my age 41 years; my residence in Napa, California.

2d question. State whether you did or not convey José de la Rosa in your launch the first time he went to occupy the ranch Julpines claimed in this case. If yea, when was it?

Answer. I did convey him to said ranch once when I was going in my launch to said rancho, but I cannot remember the time, I have so poor a memory of dates.

3d question. Did you take him there for the express purpose of said Rosa building a house on said ranch and occupying the same?

Answer. I took him there for the purpose of selecting a place to build a house for himself for the occupation of the land.

4th question. State all you know about that; what kind of a house he built, if any, and how far it was from the Sacramento river.

(4th question objected to by Judge Hastings, because the same witness has been already examined in chief by the claimants in this case.)

Answer. I know that a house was built there by some Indians for said José de la Rosa, under his and my directions. It was built of poles and mud, and roofed with boards. It was about 4 or 5 varas long, and one story high. It was about two or three hundred yards from the waters of the sloughs of the Sacramento river. I do not know how far it is from the main river. The house was built near an estuary or slough of the Sacramento river.

5th question. How long did it take you to go in the launch from the main river up to the slough to where you landed with Rosa, when you went to select the place to build the house?

Answer. I cannot say; it depended upon the direction and force of the winds, and the skill and strength of oarsmen.

6th question. In a former deposition you gave in this case you say you have known de la Rosa 14 or 15 years. State what your recollection is upon that subject.

Answer. I have a very bad memory of dates, but I recollect that I have known said Rosa since he came as a colonist from Mexico. It was more than 14 or 15 years ago, but I cannot say how much. It may have been 18 or 20 years ago.

7th question. Have you conveyed said Rosa more than once in your launch to said rancho; if yea, how many times, and did you ever live there?

Answer. I took him some 4 or 5 times. Sometimes I left him and sometimes he left me there; and Rosa has gone by himself several times in my boat.

Cross-examined by Judge Hastings, for U. S. Law Agent.

1st question. How many leagues is this house from Sonoma?

Answer. It is some 12 or 14 leagues.

2d question. Was this house near the road you usually travelled to Sacramento?

Answer. It was not. It was some 6 or 8 leagues from it.

3d question. Did you ever stop at this house when you were on your way to Sacramento city?

Answer. I never did.

4th question. Did said José de la Rosa ever have any cultivation about said house?

Answer. He had a small field enclosed and cultivated in wheat and corn.

5th question. Did his (Rosa's) family ever live in said house?

Answer. His family never lived there; they sometimes visited there 4 or 5 days at a time; his wife and all the children, some 8 or 10 of them, made these visits there.

6th question. What year was it that Rosa built this house, and in which these visits were made?

Answer. I cannot state what year; it was before the Americans came and took the country, but I cannot positively tell how long before.

7th question. Was your launch landed near the place where the house was built?

Answer. It was two or three hundred yards from the house where we landed with the boat.

8th question. Who owned the cattle on the ranch, and whose brand had they on them?

Answer. José de la Rosa owned them, and they were branded with the mark of my brother, Guadalupe Vallejo.

9th question. Are the Lucos, who are the claimants in this case, indebted to you or your brother, Guadalupe?

Answer. No, they owe me nothing, and I do not know as to Guadalupe.

10th question. How much of this land do you claim, or are you to have, if it is confirmed?

Answer. None of it.

11th question. Did you about 1 year ago offer to sell a portion of this land, or exchange it with two gentlemen in Sonoma?

(11th question objected to by claimant.)

Answer. I did.

12th question. Did you ever sell your interest in said ranch to the claimants, or to any other person?

(12th question objected to by claimants.)

Answer. I never sold any part of the land to any one; I never owned any part of it to sell to any one; all I ever claimed there was some cattle and horses.

13th question. Did you and your brother contract with the claimants in this case to sell them some horses, and receive in payment part in money and part in a portion of this land when it should be confirmed?

Answer. We did; my brother made such a contract. I had an interest in the horses, but I have no interest in the contract; I did not make the trade, my brother made it; I had no interest in the trade. I received pay for my share in the horses.

14th question. Was the offer you made to sell part of this land made before the trade in the horses was made by your brother with the Lucos?

(14th question objected to by claimants.)

Answer. The sale of the horses was first.

15th question. Was said de la Rosa when said house was built in the employment of you or your brother?

Answer. He was in the employment of the government as a printer, and my brother exercised the office of commanding general of the northern frontier. Rosa lived at Sonoma; he was appointed government printer by the governor; they had one office at Monterey and one at Sonoma. I do not know whether he was in my employ or not, or in my brother's; he has many times worked for me, and I have worked for him in town, and he has often worked for my brother.

(Signed) SALVADOR VALLEJO.

Subscribed and sworn to before me, on this 5th day of March, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office March 6th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Nathan Coombs.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *March 5th*, 1855.

On this day came before Peter Lott, commissioner for taking

testimony to be used before the board of U. S. land commission in said State, Nathan Coombs, a witness on behalf of the U. S., in case No. 813, before said board, wherein Juan M. Luco and José L. Luco are claimants, and said witness being sworn, deposed as follows:

Mr. Jones appears for claimants.

Questions by Judge Hastings, for the U. S. Law Agent.

1st question. What is your name, age, and residence?

Answer. My name is Nathan Coombs; my age 29 years; my residence in Napa valley, California.

2d question. How long have you resided in California, and are you acquainted with José de la Rosa? If yea, how long have you known him, and where has he resided since you became acquainted with him?

Answer. I have lived in California since 1843. I am acquainted with said de la Rosa; I have known him since 1844; I think I became acquainted with him in July of that year; he was then in Monterey; he spent the most of his time since that in Sonoma. The first I knew of his having a family they were living in Sonoma, about the time of the revolution in July, 1846. I do not know of his ever having lived anywhere else; his family have frequently spent portions of their time in Napa valley.

3d question. Were you acquainted with most of the grants of land north of the bay of San Francisco before the Americans took the country? If yea, did you hear or know from said Rosa, or any one else, of said Rosa claiming any land north of the bay of San Francisco, or anywhere else in California, before or during the year 1845 or 1846?

Answer. I know most of the grants, or at least all that were occupied north of said bay of San Francisco in those years between the time I became acquainted with that country and the time the Americans took it, and I do not now recollect of ever hearing of said Rosa claiming any land there or elsewhere in California, either from him or any one else, in 1845 or 1846, nor before that.

4th question. Are you acquainted with the district of country bounded on the west by the rancho Suisun, and lying between Baca's and Peña's ranchos, the Sacramento river, and the ranch of John Bidwell?

Answer. I know the location of the tract of country described from having lived in the neighborhood of it, tho' I have not travelled over it much.

5th question. Before the occupation of the country by the Americans was said tract of country ever occupied or cultivated by said José de la Rosa, or could it have been without your knowledge?

Answer. It was not so occupied or cultivated to my knowledge. I should have been likely to have known it if he had occupied or

cultivated it, though he might have done it without my knowing it. I do not think he ever resided on it; I think if he had I should certainly have known it.

6th question. Before the acquisition of this country by the Americans, did said de la Rosa possess any means to enable him to occupy and cultivate a ranch, and what was his occupation?

Answer. I always considered him a man of very limited means. He was at one time alcalde of Sonoma; but the most part of the time that I have known him he has been living in the employ of Salvador Vallejo and his brother, Gen'l Vallejo, or rather under their control, as I always understood. I do not know that he was in their employ exactly. I cannot speak with enough certainty of his means to say whether they were sufficient or not to occupy and carry on a ranch.

Cross-examined by Claimant.

1st question. Where did you reside in 1844 and since that time?

Answer. In 1844 I lived on Cache creek, in Yolo county. I made my home there, though I was unsettled at that time. From that time till the change of government I spent most of my time at that place, with the exception of one summer from the spring of 1847 till the present time I have lived in Napa valley.

2d question. When and where did you become acquainted with said José de la Rosa?

Answer. I became acquainted with him at Monterey in 1844, when I went there to ask for a tract of land; he was then living there.

3d question. Did you ever travel over this tract of country previous to 1846?

Answer. I did.

4th question. Did you ever go as far as Montezuma on this tract?

Answer. I have never been to the place called Montezuma, and do not know where it is. I will correct this by saying I was elk hunting through that country and may have been where there is a place since called Montezuma, but I cannot identify the spot.

5th question. How far did you go beyond the Potrero hills?

Answer. I did not go beyond them to the south.

(Signed) NATHAN COOMBS.

Subscribed and sworn to before me on this 5th day of March, A. D. 1855.

(Signed) PETER LOTT,
Commissioner.

Filed in office March 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Cayetano Juares.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *March 16th*, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commission in said State, Cayetano Juares, a witness on behalf of the claimants, J. M. and J. L. Luco, in case No. 813 on the docket of said board, and said witness being sworn, deposed in Spanish, which was interpreted by the interpreter to said board as follows:

The U. S. law agent is present.

Questions by Mr. Jones for Claimants.

1st question. What is your name, age, and residence?

Answer. My name is Cayetano Juares; my age 45 years; my residence in Napa county, California.

2d question. Do you know José de la Rosa; if yea, how long have you known him?

Answer. I know him, and have known him for 20 years.

3d question. Do you know of said de la Rosa having owned and occupied a ranch; if yea, where and what was the name of it?

Answer. I know him being the owner of and occupying a rancho called Ulpines, situated on the margin of an estuary of the river Sacramento.

4th question. What district was it in those days?

Answer. It was in the district of Sonoma.

5th question. State if you have ever been on said rancho; if yea, when?

Answer. I was on it in May, 1845.

6th question. Do you know of said de la Rosa having a house on said ranch and living in it?

Answer. I was there and was in the house on said rancho, and saw an Indian there who belonged to Rosa. I did not see Rosa there, but I believe he occupied said house. It was a house made of poles stuck up, covered with boards and tule; had an adobe chimney, and was 20 varas long by 4 or 5 wide.

7th question. How far was the house from the Sacramento river or any creek?

Answer. It was near an estero or estuary of the river.

8th question. Could this house possibly be seen by a person while travelling on the old road to Sacramento past Baca's ranch, or from any part of this rancho of Julpines near Baca's ranch.

Answer. It could not be seen from said old road, nor from that part of Julpines near Baca's ranch.

9th question. How far is this house from said road on the nearest parts of Baca's ranch?

Answer. I cannot say how far precisely, but I think it 8 or 10 leagues, more or less.

10th question. Have you a rancho on the road from Napa to Julpines; if yea, how long have you lived there?

Answer. I have a rancho there, and have lived on it 18 or 19 years.

11th question. Did you see any cultivation on Julpinas when you was there and saw the Indian in the house; if yea, what was it, and how long were you there?

Answer. There was cultivation there; some 8 or 10 acres were cultivated in wheat. I was there some two or three hours.

12th question. What makes you recollect the cultivation?

Answer. The question you are asking recalls it to me.

13th question. Did you use any of the wheat?

Answer. I gathered some 20 or 30 of the largest, fullest stalks and roasted the grain in the embers and ate it.

14th question. Can you now recollect the locality of the house you have described?

Answer. Yes, I remember it, and could point it out on the ground.

15th question. Did you ever give said de la Rosa any corn or wheat, and did you ever lend him carts for taking his family to said rancho?

Answer. I gave him both wheat and corn, but I do not know whether he wanted it to plant or to eat, and I lent him carts and horses to take his family there, and helped him to load the carts.

16th question. Were you acquainted with the rancho of Suisun of Vallejo, that of Baca and Armijo, and that of Elechama of John Bidwell, bordering on the river?

Answer. I know Suisun rancho, and that of Baca and Armijo, and I do not know that of Elachama.

17th question. Do you know whether said de la Rosa was printer to the government?

Answer. I heard it said that he was, and I saw him at work in the office at Sonoma.

18th question. Did you ever know of said de la Rosa having any other rancho?

Answer. I never did.

Cross-examined by United States Law Agent.

1st question. Where and when did you first know said de la Rosa, where did you both live at that time, and what was then your occupation?

Answer. I first became acquainted with him at Sonoma about 19 or 20 years ago; we both lived then at Sonoma; I was employed at that time farming, hunting, &c.; de la Rosa's employment at that time I cannot state.

2d question. How long did said de la Rosa live in Sonoma before he changed his residence, and where did he go to live when he left Sonoma?

Answer. I cannot say when he left Sonoma; I was not always there and I cannot tell when he left Sonoma. I might as well undertake to tell the movements of a man in Russia or Oregon.

3d question. Where have you lived each year since you first knew de la Rosa?

Answer. I cannot say where I lived with reference to each year; I lived at Sonoma when I first became acquainted with him, and I moved from there to my rancho, where I now live; I have always had my family and house there since that time, and I have never had any other residence.

4th question. When did you first see the rancho of Julpinas?

Answer. In 1845, when I was in the house and saw the Indian there.

5th question. What part of said rancho did you see at that time?

Answer. I saw the house and the land in the vicinity of it on the margin of the river Sacramento, as I have before said.

6th question. Where did said José de la Rosa live at that time, and in what was he employed?

Answer. His family might have been living at Sonoma; I did not see him there at that time; I do not remember how he was then employed.

7th question. How far is your rancho from Sonoma, and how far from the house of Rosa which you have described?

Answer. I do not know how far it is from my house to Sonoma, but the Americans call it 4 leagues. I think Rosa's house is about ten leagues from my house, as near as I can recollect the distance.

8th question. By what route did you go to the house of Julpinas in 1845; how did you go, and who went with you?

Answer. I went on horseback with two of my vaqueros Indians; I do not know what route we took.

9th question. How long did you remain at Julpinas, and what business did you go on?

Answer. I was elk hunting, and it was a mere casualty that I called at the house; I was there, as I have already said, about two or three hours.

10th question. Did you converse with the Indian you saw there?

Answer. I had; I probably talked ten minutes with him.

11th question. In what language did you converse with him, and was you acquainted with him before that time; if yea, where did you first know him?

Answer. I conversed with him in the Indian language; I had known him before that time at Suisun.

12th question. How many times, and when have you been at the rancho of Julpines since that time?

Answer. I never was there before or since to see the house.

13th question. Was that visit before or after you saw the grant?

Answer. I never saw the grant.

14th question. How did you know the house was on the rancho of Julpines?

Answer. The Indians there told me.

15th question. When and how did you first learn that de la Rosa had a grant of that name?

Answer. About the same time that I made that visit, I learned from Rosa himself, that he had obtained the tract of land; he seemed contented to think he had got it. I was coming from my ranch to Sonoma, and on the road as well at my house, as also in Sonoma, José de la Rosa told me of his having obtained this land. I do not remember the exact time of this consideration, but it was about the time that I was over there and saw the house; I cannot say whether it was before or after it.

16th question. How often did you see de la Rosa in 1845, and how was he employed?

Answer. I saw him several times, but I cannot say how often. I do not know what he was engaged in particularly, but he always seemed in a great hurry about something; still I never could tell what it was.

17th question. Look at the map now shown to you marked A. P. L., as an exhibit herein, and state where the place is on said map where said Rosa's house stood, and which estero it was on.

Answer. I cannot point out the place; I do not understand the map.

18th question. Where did you start from when you went to Julpines in 1845, and how long after you started did you see the house on Julpines?

Answer. I started from my own house, and I was hunting some six or eight days about the Baca's ranch, and up towards Marysville, before I went to the Julpines ranch.

19th question. Where did you stay the night before and the night after you visited this house on Julpines?

(19th question objected to, on the ground that it is impossible for the witness to answer it.)

Answer. I camped out in the country towards the east.

20th question. In what direction, and how far from said house, did you camp on those two nights?

Answer. I camped east of the house the night before, and the night after I went back to the same place and camped, and I cannot say how far it was from the house.

21st question. State as near as you can the distance from said house to your said camping place.

4549

Answer. It might have been four or five leagues.

22d question. Do you know the river Putas, and where it empties into the Sacramento river?

Answer. I do not know such a river.

23d question. How far was said house from the junction of the estero with the Sacramento river?

Answer. I do not know where the mouth of the estero is.

24th question. How wide is the estero at the point where the house was, and how far from the main river?

Answer. I do not know how wide it was, nor how far from the river; I cannot guess at it. The estero is in sight from the house, and I believe the boats pass near these.

25th question. Do you know where the bay of Suisun is; if yea, how far is its nearest point from that house?

Answer. I do not know which is the bay of Suisun.

26th question. On the day that you saw that house did you cross the Sacramento river?

Answer. I did not.

27th question. How long before and how long after that visit were the conversations you had with Rosa concerning that house?

Answer. I cannot remember how long before and after.

28th question. When did you lend him the cart mentioned by you in answer to 15th question in chief?

Answer. It was shortly after I visited the place that same year.

29th question. Was there any road leading to the house on the Julpines rancho?

Answer. There was not at that time.

30th question. Was the house situated in a thicket inaccessible to teams; if nay, what road could be taken to reach it?

Answer. It was not situated in a thicket so that it could not be reached by teams. The road from Napa would pass my house.

31st question. How far was that house from the nearest travelled road, and what road was it?

Answer. It was about 8 leagues from the road which runs past my house from Sonoma to Sacramento.

32d question. When and where did you assist de la Rosa to load your cart?

Answer. At my house; it was in the same year—a month or two after I was at the house on Julpinas.

33d question. With what did you load that cart?

Answer. With corn, beans, pumpkins, wheat, &c., &c.

34th question. Where did Rosa live then?

Answer. In Sonoma, with his family.

35th question. Where were he and his family when you loaded the cart?

Answer. They were there at my house; some of them were put

in the cart, and two of the boys were put in bags, and put on a horse. They left my house, saying they were going to their ranch.

36th question. How long had they been at your house before they thus left?

Answer. They had been there one night—no more.

37th question. How did they come to your house?

Answer. They came on horses. José rode a horse, and had a boy on each side of the horse with a bag—a boy in each end of it. This is all of the family that were there, and they had but the one horse; I do not know who owned the horse; it was taken along when Rosa left the next day for his rancho.

38th question. How long after that was it before you next saw said Rosa?

Answer. I saw him 8 or 10 days after that in Sonoma.

39th question. Was said de la Rosa often at your house during the year 1845?

Answer. He was there several times, but I cannot recollect how often.

40th question. Did you ever let him have a cart, horses or oxen, more than the one time you have mentioned?

Answer. I have let him have horses several times—some two or three times; I cannot now recollect the particular times or occasions; it was when Rosa wanted them for his own business.

41st question. Had said José de la Rosa in the year 1845 any horses or cattle of his own; if yea, how many, and how do you know it?

Answer. He had some horses and cattle; I saw about seven horses and several milch cows, which he had at Sonoma—some 5 or 6 milch cows; I frequently saw them; I cannot say how often; I know they were his, because I saw them there in his possession; I sold him one of the cows myself; I do not know of his having any more; I did not meddle with his business; he might have had other stock without my knowing it.

42d question. Did said de la Rosa ever drive any stock past your rancho to the rancho of Julpinas?

Answer. I never saw any driven past there.

43d question. Did he usually stop at your house when he visited his rancho?

Answer. He often stopped at my house; sometimes he told me he was on his way from Suisun; sometimes from Sonoma.

44th question. What kind of a fence enclosed the field which was cultivated near the house on Julpina's rancho?

Answer. It was not fenced.

45th question. Had it been ploughed; if yea, whose team had been used to plough it?

Answer. I did not pay particular attention, and did not notice whether it had been ploughed or not.

46th question. Could it have been cultivated in wheat without ploughing, or did it appear as if it had been ploughed?

Answer. It appeared like a field that had been ploughed and cultivated in the usual way; it was not a very good crop, but tolerably fair.

47th question. What was the shape of the field?

Answer. It was a place sowed in wheat, of a very irregular form; I can hardly tell what shape it had.

48th question. What was the greatest length of the cultivated ground?

Answer. I cannot tell; I did not notice particularly the extent of the field; it was so irregularly formed I could not tell; it might have been in some places 200 varas across it, or 500 varas in some.

49th question. Do you know where Juan M. Luco and José Leandro Luco, the claimants in this case, now reside?

Answer. I have heard that they resided on the Julpinas ranch, but I have not seen their residence.

50th question. Do you know where are the Potrero hills, in the vicinity of Julpinas ranch?

Answer. About 4 or 5 leagues beyond the Suisun creek lies a tract of land called Julpinas, and in that tract are hills called the Potrero hills.

51st question. How far and in what direction from those hills was the house and cultivation of which you have been testifying?

Answer. I cannot tell how far they are; there are so many hills about there that I cannot form any idea how far they are from the cultivation mentioned; I have rode round there all day, and would strike the hills, but I never travelled directly from the point where the cultivation was to any hills, and I cannot tell the distance.

52d question. State as near as you can the distance—are the hills in sight from said house?

Answer. The hills can be seen from the house, but it is impossible for me to say how far they are from it. I cannot tell what direction they are from the house.

53d question. Do you know the points of compass?

Answer. No, I could not tell then which was east, west, north, or south.

54th question. Do you know in what direction the sun rises from said house?

Answer. I cannot tell; I did not see the sun rise when I was there; it was in the middle part of the day; I cannot pretend to tell.

55th question. Do you know which way the Sacramento river runs at the point where said house stood; does it run towards or in a direction from the Suisun bay?

Answer. I think it runs towards Suisun bay.

56th question. Were those hills, in a direction from the house,

the same as that in which the river runs, and how long did it take you to go from the house to the hills?

Answer. There are a great many hills around there in the vicinity of the river, towards where the river runs; there are so many hills that I cannot tell what direction they are in. When I saw the hills I was hunting, and when I got into them I had been riding a day and a night, and part of next day, from my camp, but I never went from the house to the hills, and I cannot say how long it would take for me to go from the house to them.

57th question. How wide was that cultivated ground at its widest part?

Answer. I cannot tell; it was so irregularly formed that I cannot tell its width or its length, or its shape.

58th question. Tell as near as you can; mark the shape of it on paper.

Answer. I cannot pretend to tell, nor can I mark it on paper.

59th question. If you do not recollect the length, width, nor shape of the field, how can you recollect the quantity?

Answer. I do not pretend to say accurately how much there was cultivated, but from a general view of it, I suppose it to be about 8 or 10 acres, more or less.

60th question. Will you go with the county surveyor of Solano county, or some other person, and point out to him the place where you saw said house and cultivation?

Answer. It is so long since I was there, that I doubt whether I could go directly to the spot; but if, in riding round there, I should come upon the ground again, I would know it. I would go with the surveyor to find the place, if I were paid for going.

61st question. How many of your horses or cattle did José de la Rosa take with him when he borrowed your cart, and how long was he absent with them?

Answer. He only took the cart and oxen and his own horse; he kept the cart and oxen several days, and then I sent some Indian servants after them.

62d question. Can Monte del Diablo be seen from the house you have described?

Answer. I do not know whether Monte Diablo can be seen from there or not.

63d question. Do you know where Martinez is?

Answer. Yes.

(Signed) CAYETANO JUARES.

Subscribed and sworn to before me on this 17th day of March, A. D. 1855.

(Signed) PETER LOTT,
Commissioner, &c. &c.

Filed in office March 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Andres Pico.

UNITED STATES LAND COMMISSION,
San Francisco, March 21st, 1855.

On this day, before Commissioner Alpheus Felch, came Andres Pico, a witness on behalf of the claimant, Juan M. Luco et al., No. 813, who, after being duly sworn, deposed as follows:

Questions by Mr. Jones, Attorney for Claimant.

1st question. Please state your name, age, and place of residence.

Answer. My name is Andres Pico; my age 44 years; and I reside at Los Angeles, California.

2d question. Are you acquainted with Governor Pio Pico, and what relationship do you bear to him?

Answer. I am acquainted with him; he is my brother.

3d question. Are you acquainted with José Maria Covarrubias?

Answer. I am.

4th question. Look at the document now here presented to you, purporting to be a petition by José de la Rosa for a grant of land, being the sobrante between the ranchos Suisun, that of Baca and Armijo, and that of Elachama, and bounded on the south-south-east by the river Sacramento, a marginal decree of concession, a grant and a certificate of approval thereof by the departmental assembly; state whether you are acquainted with the handwriting of said Pio Pico; and if yea, whether the signatures purporting to be his on said document are the true and genuine signatures of said Pio Pico.

Answer. I have examined said document; the signatures thereon purporting to be his, occurring in *the* places, appear to me to be the true and genuine signatures of said Pio Pico; I have seen him write and know his signature.

5th question. Are you acquainted with the handwriting of said Covarrubias; if yea, are the signatures purporting to be his on said document, his true and genuine signatures?

Answer. I am acquainted with his handwriting, and have seen him write the signatures occurring in these three places on said document; I believe to be the true and genuine signatures of said José Maria Covarrubias.

6th question. Do you know José de la Rosa, and are you acquainted with his handwriting; if yea, is the signature purporting to be his at the bottom of the petition, constituting part of said document, his true and genuine signature?

Answer. I know said de la Rosa, but am not acquainted with his signature; I have seen him write, but am not acquainted with his signature.

7th question. Do you know the handwriting of the body of the grant constituting part of the said document?

Answer. I do; it is in the handwriting of said José Maria Covarrubias.

8th question. What office did said Covarrubias hold at the time this grant bears date?

Answer. He was secretary of the government.

9th question. Was the secretary of the government also secretary to the governor, and also secretary to the departmental assembly?

Answer. I know he was secretary of the government, but whether he acted as secretary to the departmental assembly I do not know.

Questions by Mr. McKune, Law Agent.

1st question. How much land do you yourself claim in cases before this commission, and how much of it was granted by Pio Pico?

(The witness declined to answer this interrogatory until he was informed by me that it was his duty to reply to it.)

(Signed) ALPHEUS FELCH,
Commissioner.

Answer. I am interested in six or seven claims before the board of commissioners. The amount of land claimed is about thirty-three square leagues—not very far from that; it was all obtained by me by purchase, excepting eleven square leagues, which were granted to me. The grant of eleven leagues was made to me by said Pio Pico as governor, but all the other land claimed by me was obtained by purchase.

2d question. Who was the original grantee of the land claimed by you of the mission of San José?

Answer. Juan B. Alvarado and myself; we purchased this of said Pio Pico, and paid for it in money and horses.

3d question. When and where was the purchase made?

Answer. In Los Angeles in 1845; I do not remember in what month, but I think it was in May or June.

4th question. Who drew the writings in regard to it signed by said Pio Pico?

Answer. The secretary of the government; I think it was Moreno, but I am not certain.

5th question. Who received the title from the governor?

Answer. I did myself.

6th question. How long after that before you tried to take possession of the property, and how long before you got possession?

Answer. We got possession in the latter part of 1850 or in 1851; I think I came up to take possession in 1849, and took sick at the pueblo of San José.

7th question. How long after you got your title did the Americans take possession of Los Angeles and Monterey?

Answer. Not a very great while after; it was one or two months.

8th question. What did you pay for the land to Pio Pico?

Answer. We paid twelve thousand dollars, ($12,000;) we gave him fifty horses at twenty dollars each, and the balance we paid in cash; the horses and part of the money we delivered at the time I received the title; the remainder of the money was paid afterwards, I cannot remember how long after; I paid part myself at Los Angeles and notified Alvarado of it; this I paid to José Castro, commandante general at Los Angeles; this was six thousand dollars, and was the last payment on the purchase.

9th question. How do you judge of the genuineness of signatures?

Answer. I judge by the letter and the rubric; I compare those that I am examining with those which I have seen, as I remember them.

10th question. How many signatures which you know to be the genuine signatures of Pio Pico have you ever seen, and how many of them have you seen in the public archives?

Answer. I have seen so many of them that I cannot tell how many; I cannot tell how many I have seen in the public archives; I have seen a great many there.

(Signed) ANDRES PICO.

Subscribed and sworn to before me, this 21st day of March, A. D. 1855.

This deposition was taken but not closed or signed, when at about half-past four o'clock p. m., the further examination of the witness was by consent of parties postponed until seven o'clock in the evening. At that time the law agent not appearing to continue his cross-examination, the witness signed and swore to the deposition.

(Signed) ALPHEUS FELCH,
Commissioner.

Filed in office March 23d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Felix Le Bastard.

UNITED STATES LAND COMMISSION,
San Francisco, May 3d, 1855.

On this day, before Commissioner R. Aug. Thompson, came Felix Le Bastard, a witness on behalf of the claimant in case No. 813, who, after being duly sworn, deposed as follows, his evidence being interpreted by the secretary of the board:

Questions by Claimants' Attorney, U. S. Law Agent present.

1st question. What is your name, age, and place of residence?

Answer. My name is Felix Le Bastard, my age thirty-two years, and I reside on the Ulpinas ranch in Solano county.

2d question. Are you acquainted with J. M. and J. L. Luco; if so, how long have you known them, where do they reside, and how long have they resided there?

Answer. I know said persons, and I have known them for about five years; they now live on the rancho of Ulpines, near the point of the Potrero hills, and I have known them to live on said place two years and a half; I have lived with them a little upwards of two years.

3d question. What kind of a house did they live in, what cultivation did they have on said land, if any, and what amount of stock had they on the land?

Answer. They first had there a brush house; they afterwards built a small wooden house, and now they have a large wooden house; they have also a small wooden house to the southeast of the large one, in which the servants live; this house is about six miles from the last mentioned one; about a year and a half ago they commenced preparing a field of about 10 acres for cultivation, and that they have gathered one crop off it of wheat, barley, corn, potatoes and beans, &c.; they also gave permission to one Williams to plant in another place some distance from the house, and they furnished him with the seed and animals and utensils; Lucos had a ditch fence around their cultivation, and Williams a wooden fence; I believe on the one side his also is ditched; they have had on the place upwards of two thousand head of cattle, and about the same number of horses and mares; their cattle and horses were on the ranch when I first knew it, and they still have cattle there.

4th question. Are you acquainted with the Messrs. Peñas Felipe his son Demetrio? if so, state what has been the relation existing between them and the Lucos, whether friendly or otherwise.

Answer. I am acquainted with them; they have had differences with the Lucos; at one time they had a suit between them in regard to some stock before the authorities of the place; they are not enemies, neither are they friendly; they had a difficulty about a cow; when they met they had disputes about it.

Cross-examined by the U. S. Law Agent.

1st question. Do you own any property on the place called Ulpines; if so, what?

Answer. No, sir.

2d question. Have you any promise from Lucos, that they will let you have any property there?

Answer. No, sir.

3d question. When did Luco commence building the brush house you have mentioned, and where was it built?

Answer. When I went there two years and a half ago, the brush house was there; said house was built a little above where

the present wooden one now stands, in a direction southeasterly from it.

4th question. How do you know Lucos built that brush house?

Answer. When I went there they were just finishing this house, and it had a new appearance; this is the first I knew of their improvement or living there; I learned from the Lucos and Bacas that they (Lucos) had a brush house near Bacas' before this and staid there one winter.

5th question. How long an extent has the rancho Ulpines?

Answer. It is very large, but I do not know the extent; the boundaries are the Suisun creek, Rio de las Putas, the Sacramento river, and the bay of Suisun.

6th question. What is the western boundary?

Answer. The rancho of Peña is on the west.

7th question. About how many buildings are there on this extent of country, and how many when you first knew Luco to be on there?

Answer. I think there are about thirty or forty houses on it now; I do not remember to have seen more than two or three houses there when I first knew Luco there; the first year I was on the ranch, I did not have occasion to go to the river Sacramento.

8th question. In what employment have you been since you have been with the Lucos?

Answer. I have been engaged with them as a carpenter part of the time, but I am not at present engaged at anything.

9th question. What is your native country, and where did you learn your trade?

Answer. I was born in France, and learned my trade there.

Re-examined by Claimants' Counsel.

1st question. In answer to your 5th cross-interrogatory, you speak of Suisun creek as one of the boundaries of this ranch; state what you mean by this boundary.

Answer. I mean the place called Suisun. I do not know whether it is the creek, the rancho, or the house.

(Signed) F. LE BASTARD.

Sworn and subscribed before me this 3d May, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office May 3d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Orlando McNight.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *May 17th*, 1855.

On this day, before Commissioner R. Aug. Thompson, came Or-

lando McNight, a witness on behalf of the United States, wherein Juan M. Luco et al. are claimants in case No. 813, who, after being duly sworn, deposed as follows:

Mr. Jones, attorney for the claimants, is present.

Questions by Mr. McKune, U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Orlando McKnight; my age is 45 years, and I reside in San Francisco, California.

2d question. State what has been your occupation heretofore, and whether you consider yourself an expert in the examination and comparison of handwriting, and do you believe yourself capable of judging whether a document is written in any assumed hand; give your reasons for believing yourself such expert.

Answer. My occupation originally was that of a merchant. I have been accustomed to examine and compare handwritings, and I consider myself capable of judging whether a document is written in an assumed hand. I have had frequent occasions to examine and compare signatures of the cashiers of banks.

3d question. Look at a document now here shown you, from the office of the surveyor general, of which document marked A. P. L., exhibited to deposition of José Castro, Oct. 4th, 1854, and also to deposition of J. B. Alvarado on the same day, is a traced copy. Look at the signatures of Pico as they appear thereto, and compare them with the handwriting of the bodies of the 2d and 3d papers as they appear in said document, and state whether or not you believe them written by the same hand, with your reasons.

Answer. I have examined the said document, and my belief is, that the signatures of Pio Pico, where they occur on the papers referred to in the above interrogatory, were signed by the person whose handwriting the body of the said document is.

4th question. Have you examined the papers now here shown to you, from and in the custody of the U. S. surveyor general, as a part of the archives of the former government of California, purporting to be a record of the departmental assembly of California for 1846, and the 17 signatures of Pio Pico as they appear therein? If yea, state whether they appear to be uniform, and compare them with the name Pio Pico, as it appears in the original of the document marked "A. P. L.," &c., as stated in the 3d question herein, and describe the difference.

Answer. I have examined the said 17 signatures of said Pio Pico on the said document, purporting to be an original record of the proceedings of the departmental assembly for the year 1846, and find them remarkably uniform. I have compared the said 17 signatures with the name Pio Pico on the said original of the document marked "A. P. L.," &c., and the difference consists in this: that the letters of the name of Pio Pico on the latter mentioned

original document, as also the rubric attached thereto, bear the stiffness and clumsiness which is difficult to avoid in an imitation, while the said 17 signatures do not appear otherwise than natural and easy, without restraint. A discrepancy in rubrics would be more easily detected than in signatures; upon making a very close examination of the said 17 signatures with dividers, I am induced to believe I never saw a more uniform signature. I consider it more so than my own, where I have signed them probably thousands of times yearly officially.

Cross-examined by Claimants' Counsel.

1st question. Have you any interest, in any manner or form, on the rejection of this claim, either present or future?

Answer. None whatever. I do not know the parties to the suit.

2d question. Are you acquainted with the Spanish language? Can you speak or write it?

Answer. No, sir.

3d question. Have you been in the habit of reading and comparing Spanish documents previous to your examination in this case?

Answer. I have not frequently done so, previous to my examination in this case. I have, however, compared the writing.

4th question. By what process do you arrive at a correct conclusion in comparing and examining Spanish documents when you can neither read nor understand the same, and when you have had so little practice therein?

Answer. I only judge of the handwriting.

5th question. Do you consider yourself an expert in comparing Spanish documents?

Answer. I do not.

(Signed) O. McKNIGHT.

Subscribed and sworn to before me this 17th day of May, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office May 17th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. H. Purdy.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *May 17th*, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, J. H. Purdy, a witness in behalf of the United States; also being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is J. H. Purdy; my age 50 years; and I reside in San Francisco.

2d question. State what has been your occupation heretofore, and whether you consider yourself an expert in the examination and comparison of handwriting, and do you consider yourself capable of judging whether a document is written in an assumed hand? Give your reasons for believing yourself such expert.

Answer. I have been engaged in the principal part of my life editing a newspaper. I can only say, in regard to being an expert, that I have had considerable confidence in my own judgment in such matters, having had a good deal of experience in examining documents and comparing the handwritings with a view of discovering the difference between them.

3d question. Look at a document now here shown you, from the office of the surveyor general, of which document marked "A. P. L.," exhibited to deposition of José Castro, October 4th, 1854, also to deposition of J. B. Alvarado on the same day, as a traced copy, and at the signature of Pico, as they appear thereon, and compare them with the handwriting of the body of the 2d and 3d papers, as they appear in said document, and state whether or not you believe them written by the same hand, with your reasons for such opinion.

Answer. The body of said document on the 2d and 3d papers are, I believe, in the same handwriting. The signatures appear to be written by the same hand also, but whether said signatures and the body of said document are written by the same hand I cannot state positively. The reason for my opinion is the close resemblance between them.

4th question. Have you examined the papers now here shown to you, from and in the custody of the U. S. surveyor general, as a part of the archives of the former government of California, purporting to be a record of the departmental assembly of California for 1846, and the 17 signatures of Pio Pico, as they appear therein? If yea, state whether they appear to be uniform, and compare them with the name Pio Pico as it appears in the original of the document marked A. P. L., &c., before referred to, and describe the differences.

Answer. I have examined said paper purporting to be a record of the departmental assembly of California for said year, and all the signatures of Pio Pico I found therein, and I find said signatures of general uniformity. The difference between the said signatures in said record and that of the original document, of which document "A. P. L." referred to is a traced copy, is in their general appearance, and also in the formation of the letter P. There is also a difference in the formation of the rubric. In the said

record said rubrics, although more condensed in width, fall further below the line of writing of the signature than in the original of said document A. P. L. & *Co.*

Cross-examined by Claimants' Counsel.

1st question. Have you any interest in any manner or form in the rejection of this claim, either present or future?

Answer. I have none.

2d question. Are you acquainted with the Spanish language? Can you speak or write it?

Answer. I am not.

3d question. Have you been in the habit of reading and comparing Spanish documents previous to your examination in this case?

Answer. Very little.

4th question. By what process do you arrive at a correct conclusion in comparing and examining Spanish documents, when you can neither read nor understand the same, and when you have had so little practice therein?

Answer. First by the general appearance of the manuscript, and in the second place by comparing the letters.

5th question. Do you write your signatures always alike in writing?

Answer. I do not; yet they have such resemblance as can be identified as the same hand, and would always know them to be my signatures.

6th question. Do you consider yourself an expert in comparing Spanish documents?

Answer. I cannot detect differences in them so readily as I could in the English.

7th question. Is your eyesight not defective, even with glasses?

Answer. My eyesight is not so perfect as it has been, even with glasses.

(Signed) J. H. PURDY.

Subscribed and sworn to before me this 17th day of May, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office May 17th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Horace Hawes.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *May 17th*, 1855.

This day before R. Aug. Thompson, one of the commissioners

to ascertain and settle the private land claims in the State of California, came Horace Hawes, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Horace Hawes; my age 41 years; and I reside in San Francisco.

2d question. Look at the document now shown you, which said document is an original paper from the surveyor general's office, of which the paper marked "A. P. L.," exhibited to deposition of José Castro, Oct. 4, 1854, and also to the deposition of Juan B. Alvarado, taken same day, exhibited and filed in this case, is a traced copy, and state when, where, and under what circumstances you first saw said original document, or any part thereof.

Answer. I have seen a document purporting to be a grant of the land described in one of the papers contained in said original document referred to in the question, and purporting to have been executed by Pio Pico as governor and José Maria Covarrubias as secretary, in favor of José de la Rosa, and bearing date the 4th of December, 1845, but I do not think that either of the papers now exhibited to me in said original is that document I saw. The document of which I have spoken in the early part of the year 1853, I think in the month of March, and had it some time in my possession.

3d question. From whom did you receive said document?

Answer. I received it from Juan Manuel Luco and José Leandro Luco, I believed, for they consulted me professionally on the subject; and I am quite sure that I received it from them.

4th question. State wherein the document *of* which you say you received from said Lucos differed from the said original referred to, and how you ascertained the said difference.

Answer. I preserved a copy of the document which I had in my possession, and it differs from the original grant now before me in some important particulars relating to the phraseology. Said copy is here annexed and marked "W. B. F.," and exhibited in this deposition. The original document which I had in my possession was unaccompanied by any petition or certificate of approval of the departmental assembly which seem to be annexed to the grant contained in the said original document from the surveyor general's office.

5th question. Did you ever exhibit said document placed in your hands by said Lucos to José Maria Covarrubias; if yea, when, where, for what purpose, and what conversation took place between you respecting it?

(The counsel for the claimants objects to any conversation between the witness and Covarrubias.)

Answer. For the purpose of satisfying myself fully respecting the genuineness of said document, I called on said Covarrubias at Benicia, and had an interview with him in his private room, where I exhibited to him the said document, and he examined it carefully, declaring to me that he was aware of its existence and had seen it before; but he declared that the document was not genuine; that the signature José Ma. Covarrubias appearing on it was not his, and neither was that of Pio Pico subscribed thereto the genuine signature of said Pio Pico. He spoke very positively respecting the signature of Pio Pico, holding up the paper before him, and remarking that anybody could see it at a glance that it was not his signature. This was the substance of the whole conversation. I went away satisfied, and resolved further to have nothing to do with the business.

6th question. Are you acquainted with the handwriting of Pio Pico, former governor of California? If yea, state how intimately, and look at said original document, and the name of Pio Pico wherever it occurs therein, and state whether, in your opinion, the said signature is genuine.

Answer. Although I have frequently seen the signature of said Pico in documents in the land commission, I have never seen him write; am not aware that I know the man; consequently do not feel competent to give an opinion on the subject.

7th question. Did said Lucos, or either of them, inform you that the document given to you was the document under which they claimed the land?

Answer. I feel it my duty to decline answering that question unless directed by the board of commissioners.

Cross-examined by Claimants' Counsel.

1st question. Have you any interest against the confirmation of this claim either through school land warrants, pre-emption right, or by promises of interest, through those who may possess the same on the said tract of land?

Answer. I have no interest of the character mentioned in the question, nor any other interest directly or indirectly for or against the claim, that I am aware of.

2d question. Have you in any way during the progress of this claim assisted by counsel or advice the squatters, or those holding land warrants upon the same, in opposing the confirmation of the same?

Answer. Not that I am aware of, any further than the giving of this deposition in obedience to the subpœna from the board.

3d question. Have you ever been consulted by any squatter, pre-emptor on the said land, or any other person, as to the best manner of defeating this claim?

Answer. Not that I am aware of. I have taken no part in the matter.

4th question. Has not the principal part of your professional business before the commission been to oppose California land titles?

Answer. No, sir. I do not recollect of having opposed the confirmation of any claim whatever, except one in which I was requested to make an argument by the law agent, and two or three others, which came in conflict with what I conceived to be the superior titles held by my clients from the Mexican government, which I was advocating before said board.

5th question. Is the paper filed here marked "W. B. F.," which purports to be a copy of the original paper received from Luco, made out in your own handwriting?

Answer. It is in my handwriting. I copied it myself from the original.

(Signed) HORACE HAWES.

Subscribed and sworn to before me this 17th day of March, A. D. 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office May 17th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

W. B. F., annexed to Deposition of Horace of Horace Hawes.

Gobierno Politico de la Alta California.

Pio Pico, vocal decano de la Asamblea Departamental y Gobernador Provisional del Departamento de California.

Por cuanto D'n José de la Rosa Mejicano por nacimiento ha solicitado para su beneficio personal el terreno valdio sobrante entre el rancho de Suisun (de D'n Guadalupe Vallejo) el de los Putos (de Baca y Amijo) y el de Elachama (de D'n Juan Bidwell) colindante por el S. S. E., con el rio de Sacramento; practicadas previamente las diligencias y averiguaciones concernientes usando de las facultades que me son conferidas a nombre de la nacion Mejicana, he venido por decreto de este dia enconcederle el espresado terreno declarandole la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto, de 1824, y reglamentos de 21 de Noviembre, de 1828, a reserva de la aprobacion de la E. A. D., y bajo las condiciones siguientes:

1o. Podra cercarlo sin prejudicar las trabesias, caminos y servidumbres poniendo sus mojones con arboles silvestres ó frutales de alguna utilidad destinandolo al uso y cultivo que mas le acomode.

2o. Solicitara del juez respectivo le de la posesion juridica de estilo.

3o. Si contraveniere a alguna de esas condiciones perdera su derecho al terreno que sera denunciable por otro. Por tanto mando que teniendose por firme y valedero el presente titulo se toma razon

en la secretaria del despacho y se entregue al interesado para su resguardo y demas fines.

Dado en la ciudad de los Angeles en papel comun por falta del sellado a los 4 dias del mes de Diciembre de 1845.

(Firmado) PIO PICO.

(") JOSÉ MA. COVARRUBIAS, *S'rio.*

Se tome razon en el libro correspondiente.

(Firmado) COVARRUBIAS.

Filed in office May 17th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Translation of W. B. F., annexed to the Deposition of Horace Hawes, May 17, 1855, *before Com'r R. Aug. Thompson.*

Political Government of Upper California.

Pio Pico, senior member of the Departmental Assembly and Provisional Governor of the Department of California.

Whereas Don José de la Rosa, a Mexican by birth, has solicited for his personal benefit the surplus tract of land between the rancho of Suisun, (of Don Guadalupe Vallejo,) that of Los Putos, (of Baca and Armijo,) and that of Elachama, (of Juan Bidwell,) bounded on the S. S. E. by the Sacramento river, the proceedings and investigation relative thereto having been previously had, exercising the powers with which I am vested, in the name of the Mexican nation, I have concluded by decree of this date to grant him the said tract of land, hereby declaring unto him the ownership thereof in conformity with the law of the 18th August, 1824, and the regulation of the 21st November, 1828, subject to the approval of the E. A. D., and under the following conditions:

1st. He may enclose it without obstructing the crossings, roads, and servitudes, placing wild or fruit trees of some utility for landmarks, appropriating it to the use and cultivation most convenient to him.

2d. He shall request the proper juez to give him the legal juridical possession.

3d. If he contravene any of these conditions he shall lose his right to the land, which shall be denounceable by another.

Therefore I command, that the present title being held as firm and valid, an entry be made of it in the office of the secretary of State, and that it be delivered to the interested party for his security, and other purposes.

Given in the city of Los Angeles, on common paper for the want of stamped, on the fourth day of the month of December, 1845.

(Signed) PIO PICO.

(Signed) JOSÉ MA. COVARRUBIAS, *Secretary.*

Entry be made in the corresponding book.

(Signed) COVARRUBIAS.

A true and correct translation of its original on file in this office in case No. 813, Juan M. Luco et al. vs. The United States.

Witness my official signature this 22d day of June, A. D. 1855.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office June 22d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Wm. A. Richardson.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *May 18th*, 1855.

This day before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in the said State, came William A. Richardson, a witness in behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Wm. A. Richardson; my age about 60 years; and I reside in Sausalito, in Marin county.

2d question. Are you acquainted with the handwriting of Pio Pico, former governor of California? If yea, state your means of knowledge, and look at the document now shown you from the U. S. surveyor general's office, of which document "A. P. L." annexed to the deposition of José Castro, Oct. 4th, 1854, and also to the deposition of Juan B. Alvarado on the same day, is a traced copy, and state what is your opinion as to whether the signatures of said Pico, as they appear on said original, are genuine or forged.

Answer. I am acquainted with said Pico since the year 1827 or 1828, and with his handwriting, having lived with him in his house in parts of said years, and my acquaintance has continued from that date to the present, and I have had correspondence with him of both a public and private character. The P. P.'s, as they appear in his signature on said original document, are different from any I have ever seen him make. I have seen him make his P's in two different ways, but none like the ones in said original referred to. The said Pico's signatures are very uniform, with the exception of the difference in his two forms of making his P's referred to, of which the form here given is not one. I should not like to pay money on a paper signed as these said signatures are, as I have never seen such before.

3d question. Describe the difference between these signatures of the said Pico and his genuine ones.

Answer. The cover or curl over the stem of the P's in the original document now shown me, and before referred to, is made

from right to left, commencing at a point say two-thirds of the length of the stem from the bottom, while the genuine are made from left to right and end on the right-hand side of the stem, nearly to its middle. The round handwriting appears like his, but I would not like to pay it money on an order signed thus.

Cross-examined by Claimants' Counsel.

1st question. State whether or not the general character of the signatures do not appear to be genuine.

(Objected to by U. S. law agent.)

Answer. The writing and the rubric have the appearance of being genuine, but I have never seen any of his P's resemble the ones before me; but, as I have said before, I would not like to risk an endorsement on a note or other evidence of indebtedness upon such signatures, on account of the formation of said letter referred to.

2d question. *Are* you could be satisfied that said Pico sometimes wrote the said letter P in that manner, would it not convince you of the genuineness of said signatures?

Answer. It all appears genuine except said letter.

3d question. In stating that you would not like to pay money on a paper signed like this, do you mean to say that your impression would be that the signature was forged, or only that you would be undecided in regard to it?

(Objected to by U. S law agent.)

Answer. I should be undecided in regard to it.

4th question. Look upon the document now shown you, marked Exhibit No. 1, R. A. T., annexed to the deposition of Manuel Castro in case No. 813, May 18, 1855, and state whether or not the signature of said Pico appearing thereon is genuine.

(Objected to by U. S. law agent.)

Answer. Yes sir, this is a genuine signature of said Pico.

5th question. How many variations of the letter P have you now seen?

Answer. With the one before referred to in said original document mentioned in question No. 2, I have seen three; I have only seen two that I know to be genuine.

6th question. Had the governors of California any right to grant land without regard to the colonization laws, without respect to quantity, in compensation of services and payment of money due?

(Objected to by U. S. law agent as leading and irrelevant.)

Answer. They had.

7th question. Was it their custom and usage to do so?

(Objected to by U. S. law agent as leading and irrelevant.)

Answer. It was.

8th question. What are the reasons which led you to believe

or know that such was the usage and custom referred to in the 6th and 7th questions?

(Objected to by U. S. law agent.)

Answer. By knowing of grants having been made for such considerations, and by the supreme law of Mexico, passed in 1837 on this subject: the grants to Don Ignacio Martinez, Don José Sanchez, Don Juan Cooper, Don Manuel Jimeno, Don Santiago Arguello, Sr., and my own, were made in consideration of services and as payments for indebtedness due said grantees.

(Signed) WM. A. RICHARDSON.

Subscribed and sworn to before me this 18th May, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office May 18th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Manuel Castro.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *May 18th*, 1855.

On this day, before Commissioner R. Aug. Thompson, came Manuel Castro, a witness in behalf of the claimants, Juan M. Luco et al., in case No. 813; after being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for the Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Manuel Castro; my age 33 (años) years; and I reside in the county of Monterey, California.

2d question. Are you acquainted with the handwriting of Pio Pico, formerly governor of California; and if so, how did you become acquainted with *him?*

Answer. I am acquainted with the signature and handwriting of the said Pio Pico, having seen him write, and had both private and official correspondence with him.

3d question. Are you well acquainted with the rubric of the said Pio Pico, and by what means have you become so?

Answer. I am; I have seen him make it, and have seen it upon many authentic documents and on private letters.

4th question. Please look upon the document now here shown to you, of which the document marked "A. P. L.," exhibited to deposition of José Castro October 4th, 1854, and also to deposition of J. B. Alvarado, on the same day, filed in this case, is an authentic traced copy from the office of the surveyor general of the United States, and state whether the signatures of Pio Pico to the

different papers in said document are his genuine signatures or not.

Answer. I have examined the said document and the signatures of Pio Pico where they appear therein; to the best of my judgment, are his genuine signatures. I believe them to be such.

5th question. Have you examined the signature of Pio Pico to a number of documents among the Spanish archives, in the surveyor general's office? and if so, state whether there is so great a difference between them and the signatures about which you have just testified, as to induce you to believe the latter to be forged.

Answer. I have examined the signatures of Pio Pico to sundry documents, both in the office of the surveyor general and of U. S. land commission, and there does not seem to me to exist a difference between those and these of which I have just testified, to warrant the belief that they are forged, notwithstanding some slight difference is perceptible, apparently the result of a different state of the pulse at a different time, and different pen.

6th question. Did Pio Pico have different ways of making the letter P in signing his name; and if yea, how many?

Answer. He had different ways; two or three of them more notable than any others.

7th question. Have you ever seen his signature to other documents written with the letter "P" similar to the same letter in the signatures on the said papers shown you in this deposition?

Answer. I have, with a little difference, but bearing a resemblance to these.

8th question. Look upon the document now here shown and marked Exhibit No. 1, R. A. T., annexed to this deposition, and state whether the signature of Pio Pico, affixed to the affidavit therein contained, is his genuine signature?

Answer. I have examined the said document, and I believe the said signature thereto to be the genuine signature of the said Pio Pico.

(8th question objected to by Mr. Hastings for the law agent.)

9th question. Are you acquainted with the signatures and handwriting of José de la Rosa and José Maria Covarrubias? state your means of knowledge.

Answer. I am acquainted with the signatures and the handwriting of the said persons, having seen them write and sign their names.

10th question. Look at the document now shown you, and the same which was exhibited to you in the 4th question herein, and state whether the signatures of José de la Rosa, José Ma. Covarrubias, those on the 4th, 5th and 7th, and that on the 2d pages thereof, which said papers correspond in the former to the 2d pages of the aforesaid traced copy of the same document, and in the latter

to pages 5, 6, and 9 of the said traced copy, and state whether the said signatures are genuine or not.

Answer. I believe the said signatures to be the genuine signatures of José de la Rosa and José Ma. Covarrubias, where they respectively occur on said document, having examined them.

Cross-examined by Judge Hastings for the U. S. Law Agent.

(Signed) MANUEL CASTRO.

Cross-examination declined by Mr. Hastings.

Sworn to and subscribed before me, May 18th, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office May 18th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Juan B. Alvarado.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *May* 16, 1855.

On this day, before Commissioner R. Aug. Thompson, came Juan B. Alvarado, a witness on behalf of the claimants, Juan M. Luco et al., in case No. 813, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter of the board.

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Juan B. Alvarado; my age 46 years; and I reside in Contra Costa county, California.

2d question. Were the governors of California in the habit of convoking extraordinary sessions of the departmental assembly in the vacations between the ordinary sessions?

Answer. Yes, at various times from 1827 until I became governor of California, in 1839, extraordinary sessions of the said assembly were convoked on occasions when circumstances rendered it necessary. I do not know whether any extraordinary sessions were convoked after 1839. It is probable that the same custom was continued by my successors.

3d question. Were the sessions of the departmental assembly always held at the same place?

Answer. I know that it has met at different places.

4th question. What was the political condition of California from October, 1845, to March, 1846?

Answer. From about the time referred to in the foregoing ques-

tion up to the said month of March, 1846, or about that, California was in a considerable state of agitation in consequence of an anticipated war with the United States.

5th question. During that time were the public records kept with regularity and preserved with care?

Answer. I do not know in what manner the said records were kept and preserved during the period above mentioned.

6th question. Was it customary for the governors of California to grant lands to individuals in payment of debts or remuneration for services?

Answer. It was.

7th question. Did the governors, in making such grants, consider themselves subject to the restrictions of the colonization laws as to the quantity of land granted?

Answer. The governors made such grants as they deemed convenient and just.

8th question. Do you know of any grants of more than eleven leagues by any of the governors of California under the Mexican government, made to individuals as a reward for services, or in payment of debts?

Answer. Yes, I know there have been some, but I do not now remember what ones they were, or to whom they were made.

9th question. Were such grants held and recognised as legal and acquiesced by the Mexican authorities?

Answer. I believe they were.

Cross-examined by J. H. McKune, Esq., U. S. Law Agent.

1st question. Did the departmental assembly keep a journal of their proceedings?

Answer. Yes, they generally kept a record of their proceedings, at least they did so during the time I presided over that body.

2d question. Were they in the habit of reading at each meeting the journal of the next preceding meeting?

Answer. It was customary for them, while in session, to read the proceedings of the previous session except at the first opening of the session.

3d question. How and by whom were the assembly called together usually, and upon what rule did they adjourn?

Answer. The assembly was generally convoked by the governors issuing peremptory orders to the members thereof to that effect. Sometimes they adjourned by order of the governor to that effect, when there remained no business before them, and sometimes they adjourned by a resolution of the body.

4th question. Please, if you can remember any, name all the grants you have any knowledge of there having been made as a reward for services or in payment of debts due from the government to individuals.

Answer. I cannot at this time name any one, but I know that such grants have been made.

5th question. Under what law were sales of the government vacant lands permitted?

Answer. Under the general law of colonization; that is, the law of 1824 and the regulations of 1828, and other laws applicable to the matter, and also under the powers conferred upon officers or authorities so to do.

6th question. Why is it that there is no record in the archives of the former government (Mexican) of any grant in California, made in consideration of services or in payment of debts?

Answer. I do not know whether such records exist in the said archives or not; the reason why, I do not know.

(Signed) JUAN B. ALVARADO.

Subscribed and sworn to before me, the 17th day of May, A. D. 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office May 24th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Mariano G. Vallejo.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 8th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in the said State, came Mariano G. Vallejo, a witness in behalf of the claimants in case No. 813, who, being duly sworn, deposed as follows:

The U. S. law agent is present:

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is Mariano G. Vallejo; my age 47 years; and I reside in Sonoma.

2d question. Are you acquainted with José de la Rosa? If yea, state how long you have known him.

Answer. I have known him twenty-one years.

3d question. Do you know of his having received a grant of land from any governor of California? If yea, state what you know about it.

Answer. I know of his receiving a grant; I received the papers from the governor in December, 1845, by courier, which I handed to Don José de la Rosa. I received said papers enclosed in an envelope to said de la Rosa, and he opened it before me, and he was much pleased.

4561

4th question. Did you see and read said grant yourself; if yea, for what land was it?

Answer. I saw and read said grant; it was for Ulpines.

5th question. Where is said land situated?

Answer. In Solano county, now east of the Sacramento river, between Baca's ranch and said river.

6th question. Do you know whether there were any considerations for which the governor made said grant to said de la Rosa?

Answer. It was made for services as printer of the government.

7th question. Did you ever both advise and permit said de la Rosa to occupy said land previous to his obtaining the titles thereto?

Answer. I did.

8th question. Do you know of his having occupied said land?

Answer. I do.

9th question. Have you examined the documents on file in the surveyor general's office relative to this case, of which the document now shown you, marked "A. P. L.," exhibited to deposition of José Castro, Oct. 4th, 1854, and also to deposition of J. B. Alvarado on the same day, is a traced copy? If yea, state whether they are the same papers received by you for said José de la Rosa, referred to.

Answer. I have examined said papers in the surveyor general's office; the only paper of them which I received, according to my recollection, was the grant, a copy of which appears on the fourth page of this document.

10th question. Are you acquainted with the handwriting of José de la Rosa, José Maria Covarrubias and Governor Pico? if yea, state whether you have seen them write their names; if yea, state whether their several signatures, as they appear on said original documents of which the document marked A. P. L., &c., purports to be a traced copy, are their true and genuine signatures.

Answer. Said signatures are genuine; I am acquainted with their handwriting, and have seen them write their names.

11th question. Was you ever on the land granted to said Rosa after he received the said grant?

Answer. I was not.

12th question. Do you know of said Rosa having occupied said rancho?

Answer. I know that he occupied said land.

Cross-examined by U. S. Law Agent.

1st question. State whether said de la Rosa ever had more than one grant for the same place that you know of.

Answer. He had not.

2d question. Where has said de la Rosa resided since you knew him?

Answer. He resided in Sonoma most of the time, and in Monterey; I knew him in both places.

3d question. Did you ever see the petition and approval before you saw them in the office of the surveyor general; if yea, when and where?

Answer. I saw said papers before I saw them in the surveyor general's office; I think in 1845; I do not recollect precisely the time; I think the latter part of said years in the possession of said de la Rosa in Sonoma.

4th question. How long after you gave him the papers you say, was the grant; did you see the petition and approval; state how they were attached together and in whose hands were they?

Answer. I do not know that the grant was there, but he showed me the grant afterwards. The mail by which I received the papers was a military mail, and the people would come to my office to get their letters; it was not a public mail, however. I cannot say how long after the receipt of said papers that I saw the grant, when I answered the 3d interrogatory that I had seen the approval and the petition, I meant to say the grant, before I saw it in the surveyor general's office. I saw the petition before I saw it in said office; I do not recollect that I saw the approval before.

5th question. How often did you see the grant and petition before you saw them in the surveyor general's office, and in whose hands and what occasion did you see the petition?

Answer. Not very often; once or twice; but I do not recollect how many times they were in the hands of José de la Rosa; I saw said petition when said Rosa made it; I saw said papers in the surveyor general's office. I never saw the petition and approval annexed together before I saw them so in the said office.

6th question. State whether you ever saw said papers after you received them and before you saw them in the said office.

Answer. I have already stated that it was only the grant that was received by me, and that I did not see the others; I don't recollect that I saw said grant from the time said de la Rosa received it till I saw it in said office.

7th question. Did you ever compare the original in the surveyor general's office with this copy referred to by you?

Answer. I saw the one there and the other here; I did not compare them together.

8th question. What marks were on the papers shown you by José de la Rosa as the grant, which enables you to identify the one in the surveyor general's office as the one seen by you?

Answer. The marks are Pio Pico and José Maria Covarrubias, according to my recollection.

9th question. By what rules do you judge of handwriting, and what enables you to swear to the genuineness of the signatures to the document indicated?

Answer. The common rule of my eye, and by the knowledge of his handwriting.

10th question. Did you ever know Pio Pico to sign a grant making in his signature such a P as appears in the signatures of Pico in this document? if yea, state when you saw it.

Answer. I have known said Pico to make such P as appears in said document. He makes the letter so in his common writing, in his grants and official papers. I never saw him make his P's so, but I have seen such in his grants, approvals, and common writing, which I knew are his. I do not recollect any particular grant in which said letter is so made.

11th question. Name ten grantees to whom said Pico has made grants that you know he signed.

Answer. I don't recollect any.

12th question. Did you ever see a grant with said Pico's name attached to it that you can identify; if yea, what grant was it?

Answer. I have seen many of said grants, but I do not now recollect any particular one.

13th question. Did you ever examine the records of the departmental assembly for 1846; if yea, did you examine the signature of said Pico as therein written?

Answer. I never examined said record.

14th question. Look at the name of Pio Pico as it is written in a document now shown to you, dated the 12th of September, 1845, and say whether it is made as Pico usually signs his name; if yea, do you not see that there is no resemblance as they appear in the grant for Ulpines and the said signature now shown you?

Answer. I think said signature is written as said Pico usually signs it. There may be no resemblance between them, but it is, I think, Pico's signature.

15th question. There being no resemblance between said signatures, how can you pronounce the one attached to the grant for Ulpines is his?

Answer. He may have had more room in said grant, and was perhaps in a different humor.

16th question. Where did José de la Rosa reside in 1845, and on what business was he engaged?

Answer. He resided in Sonoma in said year, and his public business was government printer.

17th question. When and where did you see the petition before referred to, and how can you now identify it as the one you saw before?

Answer. I don't recollect that I saw the petition after he sent it down to the government; I did see it before he sent it to the governor; I identify it by his signature, by the substance, and the handwriting.

18th question. Was the envelope in which said Rosa received the grant opened in your presence; if any, how long afterwards was it that he showed it to you?

Answer. I believe it was opened in my presence, at least in my office; I don't recollect how many minutes it was afterwards he received it that he showed it to me.

19th question. How long after the petition was written was it before he sent it to the governor?

Answer. I do not recollect.

20th question. Was there any other paper with the grant in the envelope received by de la Rosa?

Answer. I do not recollect.

21st question. Where was the espediente in this case filed in the office of the surveyor general?

Answer. I don't know.

22d question. When did you first learn that the petition was in the hands of said de la Rosa after the issuance of the grant?

Answer. I don't know that he had the petition after he received the grant.

23d question. According to the customs of California, who is the custodian of the petition after the issuance of the grant?

Answer. The petition was sent to the governor; the governor makes the marginal decree, and after the grant issued, the petition would remain with the Secretary of State.

24th question. Have you ever had any conversation with said de la Rosa as to whether he had in his hands said petition after the grant was issued?

Answer. I do not recollect.

25th question. Has not said de la Rosa been in your employ since the year 1846, and have you not supported him from your funds mainly?

Answer. He has not been in my employ since said year, and I have not supported him with my funds; on the contrary, I have money in my hands belonging to him.

26th question. In what house has he resided since 1846?

Answer. In his own house, in Sonoma.

27th question. Has he resided there since the beginning of 1845 up to the present time?

Answer. He has resided in the same place, but in different houses since that time.

28th question. Are you acquainted with the handwriting of Juan Castaneda?

Answer. Yes, sir.

29th question. Look at the handwriting on first and second pages of the document now shown you, being document marked

"K," being an exhibit to the deposition of José de la Rosa, in case No. 250, taken before Commissioner H. J. Thornton, June 2d, 1852, and say whether they are in the handwriting of Juan Castaneda.

(Objected to by claimants' counsel.)

Answer. I think not; it is in my own handwriting; I speak of the body of the writing on the first page; I think the body of the second page is in the handwriting of Alvarado.

30th question. What was the extent of the land you advised de la Rosa to occupy?

Answer. The advice I gave him was to ask for the sobrante of the neighboring ranchos.

31st question. Did you ever have any conversation with Pio Pico or José Ma. Covarrubias in reference to this grant?

Answer. I had not.

32d question. Did you ever have any conversation with José de la Rosa after he received the grant?

Answer. I did.

33d question. Did you ever have any conversation with him with reference to the evidence which each were to give in this case?

Answer. I had not.

34th question. How do you know the consideration upon which this grant was given?

Answer. I know that it was for his services as aforesaid, by the petition and by the grant.

35th question. Are you acquainted with the claimants in this case; if yea, do you know when or about the time they purchased said grant?

Answer. I am acquainted with the claimants; I think it was about a year ago, though I do not recollect the time precisely, that they made said purchase.

36th question. Do you know to what lawyer they first presented their grant to have their claim filed before this commission?

(Objected to by claimants' counsel.)

Answer. I do not know.

37th question. Have you ever heard that they presented it to Horace Hawes to have their claim presented?

(Objected to.)

Answer. I have not.

38th question. Are you acquainted with lot No. 76 in the city of San Francisco, between Washington, Jackson, Dupont and Stockton, formerly occupied by Jacinto El Moro, being the same lot claimed by your son-in-law, Capt. Frisbee, in a suit brought against Francisco Sanchez in the 12th judicial district?

(Objected to by claimants' counsel.)

Answer. I am.

39th question. Was you acquainted with said Jacinto E. Moro?
(Objected to by claimants' counsel.)
Answer. I was.
40th question. Where did he live when you knew him, and when and where did he die?
(Objected to by claimant's counsel.)
Answer. In my kitchen; he died in this neighborhood, as I heard; I do not know when.
The U. S. law agent informs the witness that these questions which follow and precede are asked for the purpose of impeaching his testimony, if they are not answered correctly.
41st question. How long was he in your employ, and in what years?
(Objected to by claimants' counsel.)
Answer. He was in my employ during the years 1843, 1844, and 1845; I am certain of these years.
42d question. Where did said Moro go when he left your employ?
(Objected to by claimants' counsel.)
Answer. He came this way from the other side.
43d question. When and where did you last see him?
(Objected to by claimants' counsel.)
Answer. In the year 1835, I think, in my house.
44th question. Was he a married man?
(Objected to by claimants' counsel.)
Answer. I understood so.
45th question. From whom did you understand so?
(Objected to by same.)
Answer. From public report and by himself.
46th question. To whom was he married?
(Objected to by same.)
Answer. To an Indian named Guadalupe Fucumum first; and lately, I understood that he married here to somebody else.
47th question. How long and how intimately have you known said Guadalupe?
(Objected to by same.)
Answer. I have known her since 1833 to the present time; I have seen her frequently.
48th question. Where has she resided since you have know her, and in what employ?
(Objected to by same.)
Answer. At Sonoma, generally; she was in my house after she married—a great deal of time in my employ.
49th question. At what time was she married, and how do you know it?
(Objected to by same.)
Answer. I think in 1835; the way I know, *it* was in Sonoma,

and was present when they went to the church; I was in the same building at the time.

50th question. What priest married them?

(Objected to by same.)

Answer. Quijas was his name.

51st question. Where is said priest now?

(Objected to by same.)

Answer. I do not know; when I last heard from him, he was somewhere in the republic of Mexico.

52d question. Was that marriage recorded in the archives of the church?

(Objected to by same.)

Answer. It was.

53d question. By whom was it recorded?

(Objected to by same.)

Answer. By the priest.

54th question. How often and on what occasions have you seen the record of said marriage?

(Objected to by same.)

Answer. Once or twice; I do not recollect how many times, but at different times. I saw it lately, when I had a notary public certify to a copy of said record.

55th question. For what object was said copy taken, and in what suit?

(Objected to by same.)

Answer. To prove the marriage, but I do not know in what suit?

56th question. What object or motive had you in desiring to prove that fact?

(Objected to by same.)

Answer. I received word from Mr. Frisbie, asking if there was any possibility of proving it, and I got a notary to go with me and make the copy.

57th question. In whose handwriting does the record appear?

(Objected to by same.)

Answer. In the handwriting of the said priest, I think.

58th question. Describe the book in which it is recorded.

(Objected to by same.)

Answer. In an old unbound manuscript book.

59th question. About how many lines compose said record?

(Objected to by same.)

Answer. It was short; but I do not recollect how many lines.

60th question. Did said entry appear to be an interpolation?

(Objected to by same.)

Answer. No, it appeared to be in regular order.

61st question. Has it the appearance of a recent or an ancient entry?

(Objected to by same.)

Answer. I did not notice; I saw the entry appearing regular.

62d question. Did you in July, 1853, have a conversation in the presence of José de la Rosa, Manuel Luco, Rafael Guirado, and Victor Prudon, in your house, concerning the Ulpines ranch, with either of them?

(Objected to by same.)

Answer. I do not recollect.

63d question. Did you ever have any conversation with either of them, except de la Rosa and Luco, concerning said ranch?

Answer. I had with every one of them except Prudon and Guirado.

64th question. When did you have a conversation with said Prudon concerning it?

Answer. I do not recollect having conversation with Prudon on the subject, but with the others I have had several times. Guirado may have been present at conversations, as he stated, in my house.

65th question. Was you present when said Guadalupe signed a deed to Frisbie of the said lot, and when she acknowledged the same before a notary?

(Objected to by same.)

Answer. I was.

66th question. Did she tell you on that occasion that she was not the widow of Moro aforesaid?

(Objected to by same.)

Answer. She said she was the widow of Moro. She afterwards married some other man.

67th question. Did you pay her anything for signing said deed?

(Objected to by same.)

Answer. I did not.

69th question. Did she hesitate to sign it?

(Objected to by same.)

Answer. She did not.

70th question. What consideration was given to her for signing it?

(Objected to by same.)

Answer. I don't know.

71st question. Have you the said Guadalupe here in San Francisco?

(Objected to by same.)

Answer. I have not.

(Signed) M. G. VALLEJO.

Subscribed and sworn to before me this 9th June, 1855.

(Signed) R. AUG. THOMPSON.

Filed in office June 11th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose de la Rosa.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 8th*, 1855.

On this day, before Commissioner S. B. Farwell, came José de la Rosa, a witness on behalf of the claimants, Juan M. Luco et al., in case No. 813, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter for the board.

The U. S. associate law agent is present.

Questions by Mr. Jones, Claimants' Attorney.

1st question. What is your name, age, and place of residence?

Answer. My name is José de la Rosa; my age 64 years; and I reside in the county of Sonoma, California.

2d question. Look upon the document now here shown to you, marked "A. P. L," exhibited to deposition of José Castro, Oct. 4, 1854, and also to deposition of J. B. Alvarado, on the same day, and state whether you have examined in the office of the surveyor general of the U. S. for California the original, of which the said document now shown you purports to be an authenticated traced copy? If so, when did you so examine the said original? and also state by whom the petition contained on the first and second pages thereof was made, and when.

Answer. I have just examined the said original referred to in the foregoing interrogatory, and the petition therein, found on the first and second pages thereof, was made by me in my own handwriting, at the time and place the same bears date.

3d question. State whether you are acquainted with the signatures of Pio Pico and José Maria Covarrubias; and if so, what are your means of knowledge? and state also whether the signatures of the said persons wherever they occur in the said original document, before referred to, are their genuine signatures.

Answer. I am acquainted with the signatures of the said Pio Pico and José Maria Covarrubias, having often seen them write and sign their names; and their signatures, wherever they occur in the said original document, which I have just examined, I believe to be their true and genuine signatures.

4th question. Have you ever had in your possession the original grant contained in the aforesaid original document; if so, when, where, and from whom did you first receive it?

Answer. I have had in my possession the said original grant; it was first delivered to me by Don Mariano Vallejo, in Sonoma, in the latter part of the month of December, 1845.

5th question. Have you ever had in your possession the certificate of approval by the departmental assembly contained in the aforesaid original document in the office of the U. S. surveyor

Answer. I did not notice; I saw the entry appearing regular.

62d question. Did you in July, 1853, have a conversation in the presence of José de la Rosa, Manuel Luco, Rafael Guirado, and Victor Prudon, in your house, concerning the Ulpines ranch, with either of them?

(Objected to by same.)

Answer. I do not recollect.

63d question. Did you ever have any conversation with either of them, except de la Rosa and Luco, concerning said ranch?

Answer. I had with every one of them except Prudon and Guirado.

64th question. When did you have a conversation with said Prudon concerning it?

Answer. I do not recollect having conversation with Prudon on the subject, but with the others I have had several times. Guirado may have been present at conversations, as he stated, in my house.

65th question. Was you present when said Guadalupe signed a deed to Frisbie of the said lot, and when she acknowledged the same before a notary?

(Objected to by same.)

Answer. I was.

66th question. Did she tell you on that occasion that she was not the widow of Moro aforesaid?

(Objected to by same.)

Answer. She said she was the widow of Moro. She afterwards married some other man.

67th question. Did you pay her anything for signing said deed?

(Objected to by same.)

Answer. I did not.

69th question. Did she hesitate to sign it?

(Objected to by same.)

Answer. She did not.

70th question. What consideration was given to her for signing it?

(Objected to by same.)

Answer. I don't know.

71st question. Have you the said Guadalupe here in San Francisco?

(Objected to by same.)

Answer. I have not.

(Signed) M. G. VALLEJO.

Subscribed and sworn to before me this 9th June, 1855.

(Signed) R. AUG. THOMPSON.

Filed in office June 11th, 1855.

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Deposition of Jose de la Rosa.

UNITED STATES OF AMERICA,
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On this day, before Commissioner S. B. Farwell, came José de la Rosa, a witness on behalf of the claimants, Juan M. Luco et al., in case No. 813, who, after being duly sworn, deposed as follows, his evidence being interpreted by the interpreter for the board.

The U. S. associate law agent is present.

Questions by Mr. Jones, Claimants' Attorney.

1st question. What is your name, age, and place of residence?

Answer. My name is José de la Rosa; my age 64 years; and I reside in the county of Sonoma, California.

2d question. Look upon the document now here shown to you, marked "A. P. L," exhibited to deposition of José Castro, Oct. 4, 1854, and also to deposition of J. B. Alvarado, on the same day, and state whether you have examined in the office of the surveyor general of the U. S. for California the original, of which the said document now shown you purports to be an authenticated traced copy? If so, when did you so examine the said original? and also state by whom the petition contained on the first and second pages thereof was made, and when.

Answer. I have just examined the said original referred to in the foregoing interrogatory, and the petition therein, found on the first and second pages thereof, was made by me in my own handwriting, at the time and place the same bears date.

3d question. State whether you are acquainted with the signatures of Pio Pico and José Maria Covarrubias; and if so, what are your means of knowledge? and state also whether the signatures of the said persons wherever they occur in the said original document, before referred to, are their genuine signatures.

Answer. I am acquainted with the signatures of the said Pio Pico and José Maria Covarrubias, having often seen them write and sign their names; and their signatures, wherever they occur in the said original document, which I have just examined, I believe to be their true and genuine signatures.

4th question. Have you ever had in your possession the original grant contained in the aforesaid original document; if so, when, where, and from whom did you first receive it?

Answer. I have had in my possession the said original grant; it was first delivered to me by Don Mariano Vallejo, in Sonoma, in the latter part of the month of December, 1845.

5th question. Have you ever had in your possession the certificate of approval by the departmental assembly contained in the aforesaid original document in the office of the U. S. surveyor

general of the U. S.; if so, when, where, and from whom did you first receive it?

Answer. I have had in my possession the said certificate of approval, and it was first delivered to me by Don Mariano Vallejo, in Sonoma, while I was still alcalde, in the beginning of the year 1846, but I cannot say positively what month; I think it was in January or February, 1846.

6th question. Have you ever held any other civil office under the Mexican government in California than that of alcalde? if yea, state what office and how long you held the same.

Answer. I was employed by the government of California as public printer, which position I held from the year 1834 to 1846.

7th question. Have you ever received from the government of California a grant for any other ranch than that described in the above mentioned original grant?

Answer. I never have.

Cross-examined by Mr. McKune, Law Agent.

1st question. Were you in July, 1853, in a house belonging to Gen'l Vallejo, in Sonoma, in company with Gen'l M. G. Vallejo, José L. Luco, Rafael Guirado, and one or two other persons; if yea, did you have a talk on the Julpines grant?

Answer. I do not remember.

2d question. Do you not recollect that you asked some person to send for General Vallejo, as you were ready to proceed to business?

Answer. I do not.

3d question. Are you and have been since 1846 a man of wealth; if yea, in what did and does your wealth consist?

(3d question objected to by counsel for claimants.)

Answer. I am rich, but I have not been rich ever since 1846, tho' I have never been in want; my wealth consists in money; it has consisted in horses, cows, oxen, houses, and land, and a house in Sonoma; of mares and horses I have had probably five hundred, but not all at one time; from 1846 to 1849 I had 500 head of cattle.

4th question. In the year 1846 how many horses had you, and where did you keep them, and what brand were they branded with?

(4th question objected to by claimants' counsel.)

Answer. I cannot say exactly how many. I had, but as well as I can remember it was from three to four hundred, or about that; they were kept upon the rancho de Julpines and at Sonoma; that portion kept at Sonoma was the smaller and tame animals. The wild horses were kept on the rancho de Julpines; the tame horses were about 50 in number, which were kept at Sonoma.

The following is a rough draught of my brand with which the horses were branded, JR.

5th question. Who were your vaqueros and took care of your said horses at Julpines?

(5th question objected to by claimants' counsel.)

Answer. I asked Gen'l Vallejo to furnish me vaqueros, which he did, sending at different times different persons; the only one whose name I now remember, and in whom I had most confidence, was called "Parato."

6th question. When, to whom, and for how much did you sell your said horses, and when, of whom, and for how much did you purchase them?

(6th question objected to by claimants' counsel.)

Answer. I cannot say to whom I sold, whenever I had a customer—some for $100 and some for less, according to the horse and the marchmente, (customer.) I sold them to emigrants whose names I never inquired, a few and one at a time. I bought my first horses from General Vallejo (and continued purchasing of him as my means increased) in the year 1835.

7th question. How much money do you now own, and where do you keep it?

Answer. I own more than twenty thousand dollars; it is kept by my family at my house in San Miguel de Horcasitas, in Sonora, Mexico.

8th question. When did you last see that money?

Answer. I saw it the last time in Sonoma in the year 1853.

9th question. How did you transmit it to Sonora?

Answer. I sent it by Don Francisco Padres in a letter; it was a draft on him; he is my wife's brother.

10th question. In *was* business was Padres at that time engaged, and what now?

Answer. I know nothing about Padres' business, but I know he is rich, worth more than two hundred thousand dollars.

11th question. State the contents of that draft.

Answer. What I consider as the draft, or the libranza, was a paper containing the following words: "Alli estan veinte mil pesos por mi familia, cuido mio hijos y tu hermana." (There are twenty thousand dollars; take care of my children and your sister.) This is substantially all that was stated in the said paper.

12th question. How much of a family have you, where do they reside, when did you last see them, and why do they not reside with you?

Answer. My family consists of my wife and (8) eight children; they reside in San Miguel de Horcasitas; I last saw them in the latter part of the year 1849, and they do not live with me because it suits me better that they remain where they are; they are better situated than they could be here.

13th question. What amount of money did you own at the time you sent the said draft to your family?

Answer. The $20,000 which I sent to my family.

14th question. Who were present when you gave that draft to Padres?

Answer. There was no one but him and myself present at the time in my house at Sonoma.

15th question. On what business was he in Sonoma, and how long after you gave him the said draft was it that he departed for Sonora?

(All the questions from the 7th to the 15th question, inclusive, objected to by claimants' counsel.)

Answer. I know of no other business he had there than to visit me; he remained there only about one day; he arrived on one day and left the next; I think I gave him the draft on the latter day.

MONDAY, *June 11th*, 1855.

Cross-examination continued.

16th question. Have you had any conversation with the attorneys for the claimants since your answer to preceding question (15) was written, relative to your mode of answering subsequent questions; if nay, what did the conversation between you and Mr. Jones on Saturday last mean, wherein he inquired if your cattle had mouth, and you answered, I don't know?

Answer. I have had no conversation with the said attorneys upon the subject referred to in the preceding question since the writing of the answer to the 15th question. The conversation between Mr. Jones and myself referred to in the question I considered as a mere matter of jest, and if it had any other meaning I am not aware of it.

17th question. Who were present when you wrote the petition to the governor for the land called Julpines?

Answer. I wrote it alone in my house, there being no one present except my family.

18th question. Did you go to Monterey with the said petition?

Answer. I did not.

19th question. How long after you wrote it before you sent it?

Answer. About half an hour, or as long as it took me to go from my house to that of General Vallejo.

20th question. How long was it before you received the petition back again?

Answer. I do not remember how long it was, but I received it again in the latter part of December, 1845, with the title. The approval of the departmental assembly I received afterwards.

21st question. To what office was the petition referred for report?

Answer. I do not know.

22d question. Was it referred at all to any officer?

Answer. I do not know anything about that.

23d question. When did you last see Pio Pico sign his name, and what did he sign?

Answer. I do not know when I last saw him sign his name, nor what he signed.

24th question. How many times, and what documents do you now recollect to have seen him write or sign his name to?

Answer. I am not able to state how many. At Monterey we lived in the same house, and I have often seen him writing, but I cannot say what he wrote. With the Spaniards, it was considered a mark of ill breeding to read what others were writing.

25th question. When did you live with him in Monterey?

Answer. In the year 1844.

26th question. When did you first arrive in California?

Answer. In the year 1834.

27th question. When did you commence acting as State printer, and from what time up; what did you print for the government?

Answer. In the month of August, 1835, I put *at* the first press in California, by order of the government; in the same year I printed official communications and the stamped paper of the government.

28th question. Who printed Figueroa's documents before you put up that press?

Answer. I do not know who; the manifesto of Gov. Figueroa, and stamped paper, were the first things I printed.

29th question. Did not Agustin V. Zamorano print the manifestos of Gov. Figueroa in 1835?

Answer. No, he did not. The press came to him and he sold it to the gov'nt.

30th question. Did not the name of *Z*amorano appear in the manifesto as the printer?

Answer. His name was put in the said manifesto as printer, but he did not print it; I did it. The name of Zamorano was so used by my choice, because I had no desire to figure in public.

31st question. When did you do the last printing for the government, and what was it?

Answer. I do not remember when nor what was the last printing I did for the government.

32d question. What was the last thing you do remember to have printed for the government, and when did you print it?

Answer. The last thing that I now remember to have printed for the government was the proclamation of General Micheltorena in the year 1844, but I cannot guarantee this to have been the last thing.

33d question. When did you first commence to reside at Sonoma, and have you resided there ever since?

Answer. The first time I went to Sonoma was in the latter part

of the year 1834, commissioned by the governor, but I did not then go there to live. I returned to Monterey, and lived alternately at this place and Sonoma, according to the disposition of the governor, until the year 1845. My family lived in Sonoma from 1840 to 1849. In 1845 I went to Sonoma with the appointment of alcalde.

34th question. Did you at any time during the year 1845 or 1846 remove your family from Sonoma?

Answer. During the said years 1845 and 1846, I did not move my family from Sonoma to any place except to my rancho, Julpines, when they wished to visit it, which place was still within the jurisdiction of Sonoma.

35th question. How many times did you visit your rancho Julpines with your family in 1845 and 1846?

Answer. I do not remember how many times; but whenever my family desired it, I took them to the said rancho; I went there to attend to my business.

36th question. Did you always visit your said rancho with your own horses; if nay, whose horses did you take?

I always went with my own horses; I have never had horses belonging to any one else.

37th question. What interest has Salvador Vallejo had in the said rancho Julpines?

Answer. I do not know what interest he has had in said rancho.

38th question. Look at the document now here presented to you and marked "A. M.," and herein exhibited, and state what you know about the said document.

Answer. All I know about it is, that Gen'l Vallejo gave to the Lucos a large number of horses; I do not where nor under what agreement except the one which is now here presented to me for the first time; I never saw the said document, or knew that it existed.

39th question. At what time in the year 1853 did you give the draft you have hereinbefore mentioned to the said Padres?

(All of the questions from the 39th to the 95th question, inclusive, herein, objected to by claimants' counsel.)

Answer. I do not remember; my head is very (calcutado) confused, and I cannot fix the time.

40th question. Was it before or after signing the deed conveying the said rancho Julpines to the present claimant in this case, the Messrs. Lucos?

Answer. It was afterwards, but I cannot remember how long; it was a short time; how long I can't say.

41st question. Did said Padres have any other business in Sonoma than to visit you?

Answer. That was his only business there.

42d question. How did Padres come to California?

Answer. I do not know how, because I did not ask him; I suppose he came by sea; we had no conversation relative to his voyage.

43d question. How did it happen that you, being a relative of his, did not converse with him in reference to his transit?

Answer. We only conversed about family affairs.

44th question. How did he return, or intend to return, when he departed?

Answer. I do not know. I remained in Sonoma.

45th question. What family affairs did you coverse about?

Answer. It would be impossible for me to remember now what they were.

46th question. Was any part of your conversation on business; if yea, what business?

Answer. The only business of which there was anything passed between us, was that of the draft I sent to my family.

47th question. For what purpose did he come to Sonoma at that time?

Answer. I do not know for what purpose, except to visit me.

48th question. Did he have any other relations or acquaintances in Sonoma except yourself?

Answer. He had no other relatives or acquaintances.

49th question. Did he come to Sonoma for no other purpose than to visit you, and then remain only one night and one day with you?

Answer. He did.

50th question. How do you know him to be worth two hundred thousand dollars?

Answer. I know it from him and from other persons who have told me.

51st question. In what did his property consist?

Answer. I cannot state—there are many hundred leagues from here to where he lives.

52d question. Did he mention the draft first, or did you?

Answer. I did; I told him, "here, I deliver you this draft."

53d question. How long before he left did you first mention to him you desired to send a draft by him?

Answer. A short time before he embarked at Sonoma.

54th question. What did he embark aboard of at Sonoma?

Answer. He embarked on the steamer Georgina, which then plied between Sonoma and San Francisco.

55th question. What other persons have told you that Padres was worth more than $200,000?

Answer. He had many friends here, and I do not now remember which of them told me so.

56th question. Did you mention to him that you desired to send a draft by him before you handed him the paper mentioned?

Answer. I did not; we did not need many words.

57th question. Did you have any money in the hands of Padres in Sonora before you gave him the draft?

Answer. I had not.

58th question. When did Padres inform you that he was worth more than $200,000?

Answer. I do not remember when it was. I think it was probably when he visited me at Sonoma.

59th question. I what conversation, and how did it happen that he informed you what he was worth?

Answer. I do not remember.

60th question. How does it happen that you can remember the fact without remembering the circumstances?

Answer. I cannot now remember; I have a severe headache.

61st question. Are you quite certain that he told you he was worth two hundred thousand dollars; if yea, how can you remember that, having the headache so bad?

Answer. I am certain he told me so—this was a family affair.

62d question. Did you go with Padres to the steamer when he left Sonoma at the time referred to?

Answer. I did not.

63d question. How long did you give him the draft before you parted with him?

Answer. A short time before.

64th question. Did you give him anything else while he was at your house besides the said draft?

Answer. I did not; I do not remember.

65th question. In what business were you engaged at the time you gave him the draft?

Answer. I was not engaged in any business; I was only in my house.

66th question. In what business have you been engaged since that time, whereby you have made money or supported yourself?

Answer. I cannot say, because I have different occupations which I have practised when an opportunity offered.

67th question. What did you do in 1853 after you gave Padres the said draft, and how much money did you receive for your transaction?

Answer. I cannot remember.

68th question. Have you since that occasion worked for any person; if yea, for whom?

Answer. I have; I have worked for Gen'l Vallejo and his family, Salvador and his family, Vallejo and Campbell, &c.

69th question. What have you done for each of the above named persons, and how long were you employed by each, since you gave the said draft to said Padres?

Answer. I cannot remember. If they gave me watches to repair,

I repaired them; if they gave me clothes to make, I made them, &c., &c.

70th question. Since that time have the repairing of watches and making clothes been your principal occupation; if not, what other business have you done?

Answer. They have been, but I have no particular business; I work at anything and everything.

71st question. What prices do you get for repairing watches and clothing, as also in the practice of your other vocations?

Answer. According to the watch and the clothing, and the same way in the other avocations which I practise when an opportunity offers.

72d question. About how much money have you earned per month in the pursuit of these different vocations since 1853?

Answer. I cannot say how much; I have no necessity to labor, but I do so whenever I choose, and can get it.

73d question. Can you swear that since that time you have received $25 per month for your labor?

Answer. If I make in a month $200, it is my month's earnings; and if don't want to work, I earn nothing.

74th question. How did you expect Padres to pay a draft for $20,000, when you had no funds in his hands?

Answer. Before I gave him the draft I had no funds in his hands; but after I gave him the draft I had, because when I gave him the (libranza) draft the money was there, (in Sonora.)

75th question. Where was that money in Sonora?

Answer. I don't know where it was taken to.

76th question. Where was the money which you say was in Sonora, Mexico, taken from?

Answer. It was taken from Sacramento, California, by a brother-in-law of Padres; I do not now remember his name.

77th question. How do you know the said money was taken from Sacramento aforesaid to Sonora, in Mexico, by Padres' brother in-law?

Answer. Because I delivered it to him; I am not certain when, but I think it was about the first of the year 1853.

78th question. Did you deliver the said money to the said brother-in-law of Padres before or after the sale of the rancho Julpines to the Messrs. Lucos?

Answer. After the sale; I do not remember how long.

79th question. Did you take any receipt for the said money?

Answer. I did not; I did not need it.

80th question. How do you know the person to whom you delivered the said money was a brother-in-law to Padres, and a responsible man?

Answer. He brought me a letter from (dicho) said Padres, in which he stated that he had sent it by his brother-in-law.

81st question. How long was it that you delivered the said money to the brother-in-law of Padres, before or after the said Padres visited you at Sonoma?

Answer. I delivered the said money, as before stated, before Padres visited me, but I do not remember how long.

82d question. Of whom and for what did you receive the said money, and are you sure as to the amount?

Answer. I received it from the Messrs. Lucos and other persons; the amount received from the Lucos was for my rancho Ulpines, $15,000; I cannot say from whom I received the balance, which was for sundry things and from various business.

83d question. How much money did you take with you to Sacramento at the time you sent the $20,000 to Sonoma, and from what resources did you raise the five thousand dollars besides the aforesaid $15,000?

Answer. I do not remember what amount of money I took to Sacramento at the time mentioned, nor from what resources; I raised the said $5,000, but I had horses and cattle.

84th question. In what funds did you receive the $15,000 from the Lucos; and how long did you retain the said sum of $15,000 in your possession before delivering it to the said brother-in-law of Padres?

Answer. I received the $15,000 from the Messrs. Lucos in gold and silver; I do not remember in what proportions nor how long I retained it before delivering it to the brother-in-law of Padres.

Answer. I delivered it to him for the purpose of sending it to my family.

86th question. What other property had you when you sent the said money to your family?

Answer. I had no other property.

87th question. What resources have you had since that time from which to raise money?

Answer. I cannot say; as I have before said, I am a man of sundry avocations.

88th question. Since that time, what part of your time has been employed in those avocations, and about what part have you been idle?

Answer. I cannot say what portion of my time, as referred in the foregoing question, has been employed in the exercise of my avocations, nor what portion has been idled; I cannot swear that I have been so employed a great portion of the time, nor a small portion thereof; I work whenever it suits me only.

89th question. Since you sent the said money to Sonora, have you had any other means than your personal labor to raise money; if yea, what are they?

Answer. I cannot say what means I may have had; I have already said that I had different avocations; I have had other means; my money does not remain locked up; I have a variety of business.

90th question. To what money have you reference in your last answer?

Answer. I refer to all the money which is mine, and all I earn by my labor

91st question. Since you sent the aforesaid money to Sonora, have you received any money from there?

Answer. I have not.

92d question. How much money have you now in California?

Answer. I do not know how much I have; I cannot say; if I say more, it will be said that I state falsely, and likwise if I say less.

93d question. Have you acted as a money lender since you sent the said money to Sonora?

Answer. I have not.

94th question. Have you not sworn on another occasion that you had lent $4,000 to Salvador Vallejo?

Answer. I have lent to Salvador Vallejo the sum of $4,000; and if this one act constitutes me a money lender, I will confess that I was not aware of it when I answered the last question.

95th question. Has the said Vallejo ever paid you the said $4,000; if yea, in what sums has he so paid it, and what interest did he pay you for it?

Answer. He has paid it and paid it all at one time; I do not remember what interest he paid me for it.

(Signed) JOSE DE LA ROSA.

Sworn to and subscribed before me, this 11th day of June, 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Hugh Patten.

SAN FRANCISCO, *June 12th*, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle private land claims in the State of California, Hugh Patten, a witness on behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Hugh Patten; my age 43 years; residence Sonoma county, California.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the character of each for truth and veracity in the community where they reside; what is it, good or bad; and judging from that character, would you believe them on their oaths?

Answer. I am acquainted with Mariano G. Vallejo and Salvador Vallejo, since the year 1849; I think their general reputation for truth and veracity is bad; from what I know to be the general belief as regards Mariano G. Vallejo's character, I could not believe him on oath; I am not acquainted with José de la Rosa.

Cross-examined by Claimants' Counsel.

1st question. What is your occupation?

Answer. I am a farmer.

2d question. Where is your farm situated?

Answer. About 10 miles northwest of the waters of Sonoma creek.

3d question. What is the title to your farm; is it by pre-emption or derived from Spanish or Mexican title?

Answer. I purchased my title from M. G. Vallejo, but unfortunately from the wrong person.

4th question. Did you pay Vallejo for the said land?

Answer. I did.

5th question. Have you since made reclamation on Vallejo of the money you paid for the said land?

Answer. I have called upon him to make my title good.

6th question. Has Vallejo returned you any of the purchase money?

Answer. None.

7th question. Are not your feelings in any wise embittered against him?

Answer. I think not in any great degree.

8th question. Are you as friendly towards Vallejo at this time as you were before you purchased your said land from him?

Answer. Yes, I think I am.

9th question. Do you claim any land by pre-emption, or do you belong to any Settlers' League?

Answer. I do not.

10th question. Have you instituted suit against Gen'l Vallejo for the recovery of said land purchased from him?

Answer. I have not.

11th question. Are not your fellow-citizens living where you reside opposed to the confirmation of California titles?

Answer. Yes, they are.

12th question. Are not the feelings of said fellow-citizens embittered against Gen'l Vallejo in consequence of his existing land claims?

Answer. I am of opinion they are.

13th question. Can you speak the Spanish language?

Answer. I understand it very little.

14th question. From whom do you derive your information in regard to the truth and veracity of Gen'l M. G. Vallejo?

Answer. My knowledge is derived in part from Mr. J. Derrick, whom I think is a settler under a pre-emption claim; I think Mr. Derrick is settled on land claimed by Joaquin Carrillo; I also derive my knowledge from general report among the Americans.

(Signed) HUGH PATTEN.

Sworn to and subscribed before me, June 12th, 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Wm. Carey Jones.

UNITED STATES LAND COMMISSION,
San Francisco, June 12th, 1855.

On this day, before Commissioner R. Aug. Thompson, came Wm. Carey Jones, a witness on behalf of the United States, who, after being duly sworn, deposed as follows:

Questions by Mr. McKune, U. S. Law Agent.

1st question. What are your name, age, and place of residence?

Answer. My name is William Carey Jones; my age 39 years; and residence San Francisco, California.

2d question. Are you acquainted with the signature of Pio Pico, former governor of California? if yea, state your means of knowledge, and look at his name as it appears in the original document now here shown to you, a traced copy of which is filed in this case and marked "A. P. L.," exhibited to the deposition of José Castro, October 9th, 1854, and also to the deposition of Juan B. Alvarado same day, and state whether, in your opinion, his signatures, as they appear thereon, are genuine, and give your reasons.

Answer. I am acquainted with the signature of Pio Pico; I have seen him write and sign his name, and have seen many documents purporting to have been signed by him in the public archives, and also in private lands. His signatures, as they appear on said document, are unlike any that I have seen elsewhere, and I should not think they were his genuine signatures.

Cross-examined by Mr. Jones for Claimants.

1st question. What leads you to think the signature of Pio Pico is not genuine?

Answer. I have stated my reason in my answer in chief, that they are unlike that I have seen elsewhere.

(Signed) WM. CAREY JONES.

Subscribed and sworn to before me, this 12th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Thomas B. Patten.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 12th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, Thomas B. Patten, a witness on behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Thomas B. Patten; my age is 36 years; residence Sonoma county, California.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo and José de la Rosa, and with the character of each for truth and veracity in the community where they reside; if yea, what is it, good or bad; and judging from that character, would you believe them on their oaths?

Answer. I know them personally, but slightly; their general reputation, so far as I know, is bad; from my general knowledge of them, I would not believe them on their oaths. The general opinion of them in the community where I reside is considered bad, so far as my knowledge extends.

3d question. Are their characters frequently spoken of in the community where you reside?

Answer. The character of M. G. Vallejo and Salvador Vallejo are frequently canvassed, more so than that of José de la Rosa.

Cross-examined by Claimants' Counsel.

1st question. Do you hold or claim any land in Sonoma county?

Answer. I hold a pre-emption claim, which lies in Vallejo township, between Petaluma and Santa Rosa, which is covered with a Spanish or Mexican grant; I do not know of the name of the person who claims the land.

2d question. Have the Vallejos or José de la Rosa testified in favor of said Spanish or Mexican grant?

Answer. I think they have.

3d question. Are not most of the people where you reside interested in opposing the claims under Spanish or Mexican grants?

Answer. Yes, they are; but I suppose they do not want any more than what is right.

4th question. Is there not an ill feeling existing in that community where you reside against the Vallejos and de la Rosa, on account of the testimony they have given in support of Spanish or Mexican grants?

Answer. I think there is. They are not much respected.

5th question. Do you know anything personally of said Vallejos and José de la Rosa derogatory to their characters?

Answer. I do not.

6th question. Are you interested in any other claim besides the one where you reside?

Answer. I am not.

7th question. Is there a Settlers' League in Sonoma county, formed for the purpose of protecting the rights of settlers and opposing the confirmation of Spanish and Mexican claims; and if yea, are you a member of said league?

Answer. There is a Settlers' Union. I have been present at one or two of their meetings, and am not at liberty to say what their objects and purposes are; I am a member of said Union.

Examination in chief resumed by the U. S. Law Agent.

1st question. Is not the expression of opinion among the community generally among persons not interested, as well as those interested in grants to the land, of the same tenor, and against the reputation of said men?

Answer. I think it is.

(1st question objected to by claimants' counsel as leading.)

Cross-examination resumed by Claimants' Counsel.

1st question. How many persons are there in your neighborhood interested in the confirmation of grants?

Answer. I do not know; there is not many in that neighborhood who have purchased land.

2d question. How many persons, interested in the confirmation of grants, have you heard speak unfavorably of the character of M. G. Vallejo, Salvador Vallejo and José de la Rosa?

Answer. I do not recollect, except my brother, who I heard speak of them to-day.

3d question. Have you or your brother ever had any lawsuit, quarrel, or difficulty of any kind with either of the said Vallejos or José de la Rosa?

Answer. I have not; I do not know whether my brother ever had any or not.

(Signed) THOMAS B. PATTEN.

Sworn to and subscribed before me, June 12th, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James Wilson.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 12th*, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, James Wilson, a witness on behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is James Wilson; my age 58 years; and I reside in San Francisco.

2d question. Are you acquainted with the signature of Pio Pico, former governor of California? if yea, state your means of knowledge, and look at his name as it appears on the original document now here shown to you, a traced copy of which is filed in this case and marked "A. P. L.," exhibited to the deposition of José Castro, Oct. 9th, 1854, and also to the depo. of Juan B. Alvarado same day, and state whether, in your opinion, his signatures, as they appear therein, are genuine. Give your reasons.

Answer. I am somewhat acquainted with the signature of said Pio Pico; I have seen him sign his name frequently, and I have seen his signature to official documents, which were proved before me to be his genuine signature; on examining the signature on said original documents shown to me, I believe that said signatures, or what purports to be the signatures of said Pico, are not his true and genuine signatures. My opinion is founded upon the general character of the whole signature, and particularly of the capital letter "P;" that in all the signatures that I have seen him write, or which have been proved before me to be genuine, said letter "P," as made by Pico himself, is entirely different from the said letter as they occur in the name signed in this original document. The handwriting of Pico, or what purports to be his, as it

appears on said document, is more round, easy, and flowing, than any genuine writing of his that I ever saw.

Cross-examined by Claimants' Counsel.

1st question. How many different kinds of signatures have you seen of said Pico, which you know to be genuine?

Answer. I cannot say exactly; he gave his testimony before me several times, say 20 or thirty, and signed his name to the depo's. The signatures that he made to said depositions were generally uniform. This was in the months of August, September and October of 1852.

2d question. Have you ever examined any signatures of said Pio Pico, made between August, 1845, and March, 1846; if yea, were they similar to those you have just referred to?

Answer. I have no doubt that I have seen his signature to public documents between the dates referred to, but I cannot call any to my mind at this moment; I recollect a change or a difference between the letter capital "P," as used by said Pico at different dates, but there was one general character to all the genuine signatures of said Pico in the letter referred to, in this, that he placed the pen at the top of the letter P, and did not remove it from the paper until said letter was completed; I have never seen him try to cut a letter, and his hand always appeared cramped.

3d question. Is it your opinion that a person attempting to forge said Pico's name would make a P in the signature so different from all others that you think he ever made?

Answer. I have no opinion about what a forger would do.

4th question. Are you acquainted with the signature of José Maria Covarrubias; if yea, do you think his signatures, as they appear on said original document, are genuine?

Answer. I am not acquainted with it; I have no recollection of having seen him write.

5th question. Have you any interest in school land warrants located in Solano county?

Answer. Not the slightest.

6th question. Is the difference between the "P's" of said signatures in said original documents, and others which you know to be genuine, greater than *than* the difference between the said genuine signatures themselves?

Answer. There is; to my eye there is an entire difference in the character of the penmanship.

7th question. Have you been in the habit of comparing Spanish signatures?

Answer. I have a general habit of noticing all signatures, and with a good deal of particularity.

(Signed) JAMES WILSON.

Subscribed and sworn to before me, this 12th June, 1855.
(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 12th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of David O. Shattuck.

SAN FRANCISCO, *June 12th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in the State of California, David O. Shattuck, a witness in behalf of the United States, case No. 813 on the docket, who, being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is David O. Shattuck; my age is 35 years; residence San Francisco.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the character of each for truth and veracity in the community where they reside; if yea, what is it, good or bad; and judging from that character, would you believe them on their oaths?

Answer. I am acquainted with Gen'l M. G. Vallejo and José de la Rosa, better than I am with Salvador Vallejo, and am somewhat acquainted with the general character of all of them; their general character for truth and veracity is bad; I would not believe either of them where they had any interest; I judge from their general character, and *and* not from any personal knowledge.

Cross-examined by Claimants' Counsel.

1st question. Are not the feelings of the American people residing in Sonoma opposed, as a general rule, to the confirmation of California land titles?

Answer. A good many people are opposed to said confirmation, but I should suppose not generally.

2d question. Are not the feelings of said people much embittered against the Vallejos on account of their extensive land claims, and on account of their testimony before this commission in favor of said land claims?

Answer. As to the last branch of the question, I have no means of knowing. As to the other, comparatively few in Sonoma county are interested in defeating Vallejo's claim. Salvador Vallejo has long since sold out all the claims that I ever knew of his having.

3d question. Are not American settlers generally, with whom

you have conversed, embittered against the Vallejos on account of their extensive land claims generally?

Answer. I should think not generally.

4th question. Have you ever had any suit with the Vallejos, or any personal transaction?

Answer. I never had any suits or personal transactions that led to any difficulty. So far as my intercourse with them is concerned, they are gentlemen; they have always acted fairly towards me, and they have been gentlemanly and honorable in their bearing, so far as my personal knowledge extends.

5th question. Have you ever seen anything in them, from your personal knowledge, to doubt their truth and veracity?

Answer. I have not.

(Signed) D. O. SHATTUCK.

Sworn to and subscribed before me, June 12th, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James L. Miles.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 12th*, 1855.

On this day, before Commissioner R. Aug. Thompson, came James L. Miles, a witness on behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows:

Mr. Jones, attorney for the claimants, is present.

Questions by Mr. McKune, U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is James L. Miles; my age 33 years; and I reside in the county of Solano, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the character of each for truth and veracity in the community in which he resides; if yea, what is it, good or bad; and judging from that reputation, would you believe him on oath?

Answer. I am acquainted with the said M. G. Vallejo, Salvador Vallejo, and José de la Rosa; I am acquainted with the character of the said M. G. Vallejo for truth and veracity in the county of Solano and Sonoma, in the latter of which he lives; with the character of the said Salvador for truth and veracity in the immediate vicinity of his residence, I am not so well acquainted; I know less of the character of the said José de la Rosa in the community where he resides than I do of the two others; neither of the said

Subscribed and sworn to before me, this 12th June, 1855.
(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 12th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of David O. Shattuck.

SAN FRANCISCO, *June 12th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in the State of California, David O. Shattuck, a witness in behalf of the United States, case No. 813 on the docket, who, being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is David O. Shattuck; my age is 35 years; residence San Francisco.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the character of each for truth and veracity in the community where they reside; if yea, what is it, good or bad; and judging from that character, would you believe them on their oaths?

Answer. I am acquainted with Gen'l M. G. Vallejo and José de la Rosa, better than I am with Salvador Vallejo, and am somewhat acquainted with the general character of all of them; their general character for truth and veracity is bad; I would not believe either of them where they had any interest; I judge from their general character, and *and* not from any personal knowledge.

Cross-examined by Claimants' Counsel.

1st question. Are not the feelings of the American people residing in Sonoma opposed, as a general rule, to the confirmation of California land titles?

Answer. A good many people are opposed to said confirmation, but I should suppose not generally.

2d question. Are not the feelings of said people much embittered against the Vallejos on account of their extensive land claims, and on account of their testimony before this commission in favor of said land claims?

Answer. As to the last branch of the question, I have no means of knowing. As to the other, comparatively few in Sonoma county are interested in defeating Vallejo's claim. Salvador Vallejo has long since sold out all the claims that I ever knew of his having.

3d question. Are not American settlers generally, with whom

you have conversed, embittered against the Vallejos on account of their extensive land claims generally?

Answer. I should think not generally.

4th question. Have you ever had any suit with the Vallejos, or any personal transaction?

Answer. I never had any suits or personal transactions that led to any difficulty. So far as my intercourse with them is concerned, they are gentlemen; they have always acted fairly towards me, and they have been gentlemanly and honorable in their bearing, so far as my personal knowledge extends.

5th question. Have you ever seen anything in them, from your personal knowledge, to doubt their truth and veracity?

Answer. I have not.

(Signed) D. O. SHATTUCK.

Sworn to and subscribed before me, June 12th, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James L. Miles.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 12th*, 1855.

On this day, before Commissioner R. Aug. Thompson, came James L. Miles, a witness on behalf of the United States in case No. 813, wherein Juan M. Luco et al. are claimants, who, after being duly sworn, deposed as follows:

Mr. Jones, attorney for the claimants, is present.

Questions by Mr. McKune, U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is James L. Miles; my age 33 years; and I reside in the county of Solano, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the character of each for truth and veracity in the community in which he resides; if yea, what is it, good or bad; and judging from that reputation, would you believe him on oath?

Answer. I am acquainted with the said M. G. Vallejo, Salvador Vallejo, and José de la Rosa; I am acquainted with the character of the said M. G. Vallejo for truth and veracity in the county of Solano and Sonoma, in the latter of which he lives; with the character of the said Salvador for truth and veracity in the immediate vicinity of his residence, I am not so well acquainted; I know less of the character of the said José de la Rosa in the community where he resides than I do of the two others; neither of the said

Vallejos bear a favorable or good character for truth and veracity in the communities in which they respectively live, and in view of the character they so sustain, I could not believe either of them on oath, and I am more fully convinced that I should not from what I have seen myself in the deportment of the said gentlemen. As to the character of said José de la Rosa for truth and veracity in his neighborhood, I am not able to say anything in regard to it, whether bad or good; in fact I do not know where he resides; he calls Sonoma his home; about Sonoma I have never heard his character questioned, but in San Francisco and in the county of Solano I have, and under these circumstances I could not easily determine whether to believe him on oath or not.

Cross-examined by Mr. Cunningham, for Claimants.

1st question. In what part of Solano county aforesaid do you reside?

Answer. I live near the centre of the county—near the eyes of Suisun and Green valleys.

2d question. Do you know of a Settlers' League in the said county?

Answer. There was at one time such a league in the said county, but I do not know whether it still exists or not, and I was a member thereof when I knew of its existence.

3d question. Do you own any land in that county; and if so, by what title is it derived?

Answer. I do not own any land in the said county of Solano.

4th question. What land do you occupy in the said county, how much, and by what right?

Answer. I occupy a place about one mile east of "Cordelia," near the Suisun creek, which I estimate at about 60 acres, and I occupy the same by right of settlement made in 1850, and by no other title.

5th question. Do you understand the Spanish language?

Answer. I do not; I can understand some words, but not sufficient to correct them or to speak it.

6th question. Is it not principally in relation to their testimony given in support of Spanish and Mexican grants that you have heard the character for truth and veracity of the said Vallejos and Rosa spoken of?

Answer. With regard to M. G. Vallejo, it is not principally in relation to his testimony relative to the grants aforesaid, but with reference to other matters. I have heard his truthfulness and veracity questioned. As to the other two persons, and particularly Salvador Vallejo, it has principally been with reference to their testimony given relative to the said grants referred to that I have heard their character doubtfully spoken of for truth and veracity.

7th question. Is there not in the community of which you have hereinbefore spoken a general feeling of hostility to Mexican and

Spanish grants, and a general ill feeling indulged in against the said Vallejos on account of the position they occupy in relation to such grants?

Answer. In regard to the Mexican and Spanish grants, when they are supposed to be just, there is no feeling against them, independent of the ill-feeling engendered against the said Vallejos by testifying in such claims in a manner the said people are satisfied is false. I know of no ill-feeling towards them amongst said people.

8th question. Have the said Vallejos or the said Rosa ever testified in any case in which you were interested adversely to your interest in such case; or have you ever had any quarrel or difficulty with either of the said persons?

Answer. Neither of the said persons have ever testified in any case directly adverse to my interest therein. The two said Vallejos testified in case No. 3 on the docket of the board of U. S. land commissioners, &c., in favor of the claim which is supposed to cover the land which I occupy as above stated.

9th question. Are not most of the persons whom you have heard *spoken* unfavorably of the character of the said Vallejos and Rosa interested in opposing Spanish or Mexican grants?

Answer. Some of such persons are so interested, and some of them are not, and I cannot say *whether* of the two parties so speaking of them preponderates.

10th question. How long is it since you have learned their character for truth and veracity is bad?

Answer. I have heard it called in question more or less since 1853, more particularly that of the said Vallejos.

11th question. How many persons have you heard speak unfavorably of the character of José de la Rosa for truth and veracity, and since what time have you so heard them speak?

Answer. It would be impossible for me to say how many persons I have heard so speak of the character of José de la Rosa, but I have heard quite a number, and I have heard his truthfulness and veracity questioned ever since about the year 1853, more or less, but not so much so as in the cases of the Vallejos.

12th question. Have you any interest, direct or indirect, in defeating the claim for the rancho "Julpines" claimed in this case?

Answer. I have no interest whatever in defeating the said claim.

(Signed) JAS. L. MILES.

Subscribed and sworn to before me this 12th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 12th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jonathan D. Stevenson.

SAN FRANCISCO, *June 12th*, 1855.

On this day, before Commissioner S. B. Farwell, came Jonathan D. Stevenson, a witness on behalf of the United States, in case No. 813, who after being duly sworn, deposed as follows:

Questions by the U. S. Law Agent.

Quest. 1st. What is your name, age, and residence?

Answer. My name is Jonathan D. Stevenson; age fifty-five years; and residence in the city of San Francisco.

Quest. 2d. Are you acquainted with the signature of Pio Pico, former governor of California? If yea, state your means of knowledge, and look at his name as it appears in the original document now here shown to you, a traced copy of which is filed in this case, and marked "A. P. L.," exhibited to the deposition of José Castro, Oct. 9th, 1854, and also to the deposition of J. B. Alvarado, same day, and state whether, in your opinion, his signatures as they appear thereon are genuine. Give your reasons.

Answer. I am acquainted with Pio Pico and his handwriting. I have seen many public documents which I believe to be genuine which purport to have been executed by him while governor. I have received letters from him after his return to California, in the spring of 1848. During the early summer of '48 he was my prisoner of war, during which time he occupied a part of my quarters at Los Angeles. I was during that time in the habit of seeing him write almost daily. In my official capacity as commander of the southern military district of California, I had occasion to examine many public documents purporting to have been signed by him. None of the signatures resembled these now shown me sufficient to induce me to believe these to be genuine. The signatures now shown me are larger and bolder than his signature usually was, and I think the form of the letters, particularly the "P's," are unlike his genuine signature. I therefore do not believe the signatures now shown me are genuine.

Quest. 3d. Look at the grant and the approval of the same, in the said document, and state whether, in your opinion, they were written by the same hand and same ink as the signatures thereto.

Answer. From a careful examination of the document purporting to be the approval, I am of opinion that the body of the document and the signatures of Pio Pico and José Maria Covarrubias were written by the same hand, with the same pen and ink.

Cross-interrogatories by the Claimants' Counsel.

Cross-int. 1st. From what cause do you believe those signatures are not genuine?

Answer. From their general appearance and character of the signatures.

Cross-int. 2d. What particular letter or letters are different from those in signatures you believe to be genuine?

Answer. The letters "P" in particular.

Cross-int. 3d. Do you not think it would be more natural for a person attempting a forgery to make the principal and capital letters as much as possible similar in shape and form to those which the individual whose signature is alleged to be counterfeited has been in the habit of making?

Answer. I should think that it would be the object of the counterfeiter to make a counterfeit signature as near like the genuine as possible, and I should think that the counterfeiter would make the capital and principal letters to resemble the genuine signature as much as possible.

Cross-int. 4th. Are not the letters "P's" occurring in the signatures of Pio Pico in the title you are now examining very different in their shape and form from those you are in the habit of considering his usual ones?

Answer. There is a marked difference, in my judgment, in the forms of the letters P, but I detect a bungling attempt to resemble the genuine.

Cross-int. 5th. In what does the difference consist in the form and shape of the letters P in the signatures?

Answer. To use a schoolboy's phrase, I think the letters were painted after they were originally formed. The difference is easier pointed out than explained.

Cross-int. 6. Will you please point them out?

Answer. That point never was made in the original attempt to form the letter. (Here the witness pointed out with his finger certain differences, which he said he could not explain, in the letters "P.")

Cross-int. 7th. Did you ever see Pio Pico sign a grant?

Answer. Never.

Cross-int. 8th. Have you ever seen him signing documents in your presence and under your eyesight?

Answer. I have.

Cross-int. 9th. Were his signatures always uniform and regular in every respect?

Answer. Signatures which I have seen him make, and those that I regarded as genuine, upon documents purporting to have been signed by him, were of a character and uniformity not easily to be mistaken.

Cross-int. 10th. Are you in any manner whatsoever interested in the land claimed by the claimants in this case?

Answer. I do not know the claimants, nor in what county the

land claimed is situated, nor am I interested in the land claimed in this case to my knowledge.

(Signed) J. D. STEVENSON.

Sworn and subscribed before me the 12th day of June, 1855.

(Signed) S. B. FARWELL, *Com'r.*

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of G. H. Woodman.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 12th,* 1855.

The day, before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, came G. H. Woodman, a witness in behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. G. H. Woodman is my name; my age 33 years; and I reside in Napa county.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo and José de la Rosa, and with their characters severally for truth and veracity? If yea, is it good or bad, and would you from that public reputation believe either of them upon oath?

Answer. I am acquainted with the said Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa. I have not much acquaintance with the character of Gen'l Vallejo for truth and veracity. I cannot say that I would not believe him on oath, but I would not like to do so in a case in which he might be interested. I have, however, heard several persons say they would not believe him under oath; that he was a man not to be believed. I am acquainted with the character of Salvador Vallejo and José de la Rosa for truth and veracity by reputation and somewhat personally, and so far as my knowledge and acquaintance with their character for truth and veracity extends I must say it is bad, and from that reputation I would not believe either of them on oath.

3d question. Have you ever had any conversation with either of those men with reference to their estimation of the binding character of an oath as administered in the commission? If so, what was that conversation?

(Mr. Marshall objects to the answer to the 3d question as irresponsive and hearsay.)

Answer. I have understood Johnson Harrell, the attorney of Salvador Vallejo, to say that the said Salvador Vallejo had said he

did not attach any value to an oath as administered by the Americans; that under such an oath he felt no more responsibility, nor did he consider it as binding.

4th question. Have you ever had any conversation with either Salvador Vallejo or José de la Rosa in reference to a sale of the rancho claimed in this case, or any part of it, by said Vallejo? If yea, what was that conversation?

Answer. I had a conversation with the said Rosa relative to the matter in question, which was interpreted by Mrs. Matherson, wherein he said, as interpreted to me by the said lady, that Salvador Vallejo had sold his rancho without his permission. I understood it to be a tract of land lying in Suisun called "Potrero Hills." I asked him on what account he held the note of $4,000 against Salvador Vallejo, to which he answered that it was in consideration of his rancho which Salvador Vallejo had sold. Since this above conversation the said José de la Rosa has told me personally that the said note was for money that he had loaned to said Vallejo, and I have heard him state the same to others through an interpreter.

(The answer to the 4th question, so far as it relates to conversations interpreted, is objected to by claimants' counsel.)

5th question. Has either of those men within your knowledge informed you of one state of facts concerning rights in litigation, and then sworn to another and opposite state of facts? If yea, state what those circumstances were.

(5th question objected to by claimants' counsel.)

Answer. José de la Rosa has made statements to me in regard to a certain note in litigation, and when called into court he swore altogether the reverse of what he had so stated to me. The statements he made to me were made through an interpreter.

6th question. Have you had any conversation with said Salvador Vallejo, either through an interpreter or otherwise, relative to an interest he held in the rancho claimed in this case? If yea, state what that conversation was.

Answer. I have never had such a conversation with the said Salvador Vallejo. I cannot say positively. I think he never told me he had any interest in the said ranch, but he offered to sell me land on the rancho probably a year and a half or two years ago.

Cross-examined by Mr. Marshall for Claimants.

1st question. Are you acquainted with J. M. and J. L. Luco, the claimants in this case?

Answer. I am acquainted with one Manuel Luco and Leandro Luco, who I understand are the claimants in this case.

2d question. Have you had any litigation with said Lucos? If so, state the nature of that litigation, and the result thereof.

Answer. About a year ago I bought some cattle of the said Lucos; the cattle were taken from me and they brought suit against

me on a writ of replevin; we settled the matter, and I paid them part in cattle and part in money, without going into court with the matter.

3d question. Have you recently been in litigation with Salvador Vallejo, in which José de la Rosa was interested, directly or indirectly? if so, state the nature of such litigation, and the result thereof.

Answer. I held a note of hand against the said Salvador Vallejo, in which I sued him. I do not know whether the said Rosa was in any way interested in the matter. The suit was left to a referee, and was decided against me.

4th question. Did any hard words pass between you and the said Vallejo on account of said suit?

Answer. I do not remember that such was the case.

5th question. Are you still on friendly terms with said Vallejo, José de la Rosa, and the said Messrs. Lucos?

Answer. I am, so far as I am concerned; I do not think from the way Salvador Vallejo treated me that he is very friendly towards me; but I do not feel so friendly towards him as to offer him any protection as I formerly would have done, and did do.

6th question. Was José de la Rosa a witness in the said suit between you and the said Vallejo?

Answer. He was, and swore in favor of Vallejo.

7th question. Do you belong to any Settlers' League or Union?

Answer. I do not, and never have.

8th question. Do you understand and speak the Spanish language?

Answer. I do, sufficient for trading purposes; but I do not understand or speak it well.

(Signed) G. H. WOODMAN.

Subscribed and sworn to before me this 12th day of June, A. D. 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office June 12th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Frank W. Shattuck.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 12th*, 1855.

This day came before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, Frank W. Shattuck, a witness in behalf of the United States in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The counsel for claimant is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Frank W. Shattuck; my age 27 years, and I reside in San Francisco.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the character of each for truth and veracity in the community where they reside; if yea, is it good or bad; and judging from that character, would you believe either of them on their oath?

Answer. I am personally acquainted with Mariano G. Vallejo, and said Rosa, but not personally so with said Salvador, whom I know by sight. I am also acquainted with the character of said Mariano G. Vallejo, and said de la Rosa, for truth and veracity in the community where they reside, but not with that of said Salvador. Their character for truth and veracity is bad; that is the report in the community, and the belief at least. From the reports I have heard in regard to them, I would not believe them if it was their pecuniary interest to prevaricate.

3d question. Do you know anything of the business, or reputed business, of said de la Rosa; if yea, what is it, and is he reputed wealthy or otherwise?

Answer. I have seen him engaged making clothes, which is the only business I have seen him engaged in; said de la Rosa is poor, so far as I know. Nobody knows what he has got; he is always dressed well, and seems to get a good living. The only business that I heard in Sonoma, from general report, is that of swearing before the land commissioners.

Cross-examined by Claimants' Counsel.

1st question. How long have you known said Mariano G. Vallejo and said José de la Rosa?

Answer. I have known said Vallejo since the fall of 1852 personally; I knew him previous to that time by reputation. I am not certain how long I have known said Rosa; but I have known him for a year, but I can't tell how much longer.

2d question. How long since you learned that their character for truth and veracity was bad?

Answer. Within the last year.

3d question. Do you speak Spanish?

Answer. No.

4th question. Are not a considerable number of the inhabitants of the community referred to old Spanish residents, and speak that language?

Answer. There are very few Spanish residents compared to the other countries.

5th question. Are not a considerable portion of that community

squatters, or persons who are opposing the confirmation of Spanish or Mexican grants?

Answer. Yes, sir; all who live in the jurisdiction of the town are interested in the confirmation of the claim. Those outside are opposed to the confirmation of Spanish grants generally, and want as much public land as possible.

6th question. Is it not principally in relation to their testimony in support of Spanish or Mexican grants that you have heard their character for truth and veracity spoken of?

Answer. It is.

7th question. Is it not principally from persons who are opposed to the confirmation of said grants that you have heard their character for truth and veracity spoken of?

Answer. I have heard persons who are not interested in said grants, so far as I know, impeach their testimony, but I think the majority of them are opposed to the confirmation of said grants. The place I live in is the pueblo of Sonoma, and the persons inside of said town want the lands of said town confirmed; outside of said town the majority are squatters, and would be glad to see these grants rejected.

8th question. Is there not a general feeling of hostility in that neighborhood against said Vallejo, on account of his claiming lands under Mexican grants, and also on account of his testifying in other cases in favor of said grants?

Answer. There is a bad feeling on both sides.

9th question. Are you interested in any lands claimed under school warrants or adverse Spanish claims?

Answer. I have not.

(Signed) FRANK W. SHATTUCK.

Subscribed and sworn to before me this 12th June, A. D. 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office June 12th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of C. F. Elliott.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 13th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came C. F. Elliott, a witness on behalf of United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is C. F. Elliott; my age 25 years; and I reside in Clear Lake valley, in Napa county.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo and José de la Rosa, and with their common reputation in the community in which they reside for truth and veracity; if yea, is it good or bad, and would you from that reputation believe either of them under oath?

Answer. I have known them since the spring of 1846; I am acquainted with the general report of their character for truth and veracity in the community in which they reside, and that report is that their character as aforesaid is not good, and from that general character I would not believe either of them on oath if they were interested; said de la Rosa lived in the same house with us in 1846, and he and his family were very poor.

3d question. Would you believe them, from that reputation, in a case where their friends were interested?

Answer. I would not; they are not considered as reliable men in the capacity of witnesses; this is the general report.

4th question. State how intimately you have been acquainted with said de la Rosa, what property he has had, what his circumstances are, and have been.

Answer. In the spring of 1846 he moved into the same house with us, and purported to be a school teacher, but I do not know that he had any property at that time, except his clothing. He claimed protection under us in the war that broke out soon after, and he had no property. Since then he has followed the tailor business, and sometimes worked in Gen'l Vallejo's vineyard. I do not know what business he has followed during the last year, as I moved to the place I now reside last fall, and have not seen much of him since.

5th question. Did he, during the years 1846, 1847, 1848 and 1849, have cattle to the number of 300 to 500, the same number of horses, or any less number of either, and could he have had them without your knowing it?

Answer. He had not, as I was personally acquainted in the whole neighborhood, working in every rodeo thereof, and my business was killing cattle for the hides and tallow, and he could not have had any without my knowing it; if he had such, it was unknown to anybody in the neighborhood.

6th question. Look at the representation of a brand made by said de la Rosa, in his deposition filed June 12th, 1855, in his answer to question 4, on his cross-examination therein, and state whether he ever had any horses or cattle at Sonoma after you knew him, from the fall of 1845 to 1852, with the same or similar brand marked thereon.

Answer. I never saw that brand in that country; I would have seen it if it had been there.

7th question. Did you ever have any conversation with said de la Rosa in reference to his estate, whether in land or cattle? if yea, state what it was.

Answer. I have heard him in a great many instances speak of his poverty, and I never knew him to speak of having any property; on the contrary, he complained of his want of it.

8th question. Has the said de la Rosa, or his family, since you first knew him, ever resided in any other place than Sonoma, and has he had business in the rancho Ulpinas claimed in this case?

Answer. His family left Sonoma, and if he went with them it must have been for a short time; I understood from report that his wife had left him, and I do not know where she and her children are now; I cannot say whether he had any business in said rancho or not; I am not much acquainted with it.

9th question. State what business connection, if any, said José de la Rosa has had, or now has, with the two Vallejos spoken of.

Answer. I do not know that he has had any with Salvador, but he has been employed in the general's vineyard and about his house. I frequently saw him in a house close to the General's, tailoring, fixing ribbons and little turns.

Cross-examined by Claimants' Counsel.

1st. Have you, or any of your family, ever had any litigation or difficulty of any kind with either of the persons spoken of in this deposition?

Answer. Not that I know of.

2d question. Was you in the party that raised the Bear flag in 1846?

Answer. I was.

3d question. Was there not created at that time considerable ill feeling between the Americans and the Californians?

Answer. There was between some individuals, but not as a general thing with those who did not take up arms. De la Rosa, who was then called Don Pepy, did not take up arms.

4th question. Were not the Vallejos taken prisoners by that party?

Answer. They were both taken prisoners.

5th question. Do you know all the brands in Sonoma and Solano counties during the years 1845 to 1849?

Answer. I know all the original Spanish irons pretty much in those counties, also in Napa.

6th question. Can you give all the original Spanish brands in those counties?

Answer. Pretty much all; they are as follows:

Salvador Vallejo,
General Vallejo,
J. P. Leese,
The Old Mission, F
Dr. Bull, B
Nicolas Higuera,
Barker,
Capt. Smith, SS
Henry D. Fitch, F
Casper O'Farrell, *f*
Fernando Feliz, £
José Berreyesa, B
Julio Carrillo, Y
Alexander,
Joaquin Carrillo, S
Santa Rosa, N

Barker's brand I have seen, and have a horse with it on; I ought to state, that the curl on the top of the brands of Alexander and Carrillo are different, as I have represented them, but I am not certain which way each turn. There are also a good many more that I might make if necessary. The brands marked thus, R Z, I do not remember to have seen. The brand made thus, *k*, resembles a little the one Barker uses; his is a B, with some turns to it, instead of a *k*. I could give a further list of irons.

7th question. Is it not possible that José de la Rosa may have had cattle upon land embraced in Solano county, between the years 1845 and 1849, without your knowing it?

Answer. If he had, he did not claim them as his own, as I heard him say that he had none.

8th question. Do you hold any land under a pre-emption claim?

Answer. I have a pre-emption. There is no Spanish claim on it.

(Signed) C. F. ELLIOTT.

Subscribed and sworn to before me this 13th June, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 13th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Wm. H. Moore.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 13th*, 1855.

This day, before Commissioner R. Aug. Thompson, came Wm.

H. Moore, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, says:

Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is William H. Moore; my age 59 years; and I reside in the valley of Santa Rosa, in Sonoma county, California.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their characters severally for truth and veracity; if yea, is it good or bad, and would you from that public reputation believe either of them on oath?

Answer. I am acquainted with all of the said persons, and I am tolerably well acquainted with their character for truth and veracity, having lived in neighborhood ever since 1847, and I must say, to the best of my knowledge, their said character has not been very good, and I would not believe either of them on oath; I mean according to the best of my knowledge of their public reputation.

Cross-examined by Mr. Marshall for Claimants.

1st question. Do you hold or occupy any lands in Sonoma county; if yea, under what claim or title?

Answer. I do hold lands in the said county under title from Julio Greer.

2d question. Have you ever had any quarrel, litigation, or difficulty of any kind with either of the aforesaid Vallejos or José de la Rosa?

Answer. I have not.

3d question. Have they, or either of them, ever testified adversely to your interest in any suit?

Answer. Not that I know of. Gen'l Vallejo once sued me for cutting some timber, and he paid the costs and withdrew his suit.

4th question. Are there not a great many squatters living in your present neighborhood?

Answer. There are a great many persons residing in my neighborhood who, I have been informed by some of them, and Gen'l himself, that they had bought of him conditionally. I do not know whether those persons residing on other claims in the said county have bought in any way or not, or whether they are squatters.

5th question. Are you interested in any way in any other land in California than that on which you live in Sonoma county?

Answer. I am; it is property or land in the city of Sonoma which I hold under a title from the said city.

6th question. Have you paid Greer for the land you bought of him as before stated?

Answer. I paid him fifty dollars down, and was to pay him the balance when he obtained his patent from the United States government.

7th question. Did the other persons who live on the said Greer's tract purchase in the same way that you did?

Answer. I do not know whether they did or not. I know some who paid down from $1,000 to $1,500, which I understood was upon the condition that the balance was to be paid when Greer obtained the patent as above stated. I think Greer sold the greater part of his land on the said terms.

8th question. Do you know whether the said Vallejo and José de la Rosa, or either of them, has testified before the U. S. land commission, or elsewhere, in favor or against the title of said Greer?

Answer. I do not know of either of them having testified in any way relative to the claim of Julio Greer, but I have seen a paper purporting to be a copy of the testimony of Gen'l Vallejo in favor of the claim of Joaquin Greer, which adjoins that of Julio Greer.

Re-examined by U. S. Law Agent.

1st question. What effect have the circumstances related by you in the foregoing cross-examination upon your testimony in this case?

Answer. They, with the public reputation in the neighborhood of the said persons, form the ground of my distrustfulness of the truth of what they (the said Vallejos and Rosa) would state on oath. The said deposition of Gen'l Vallejo, or copy thereof, was generally believed among the neighbors to be false.

(Signed) WM. H. MOORE.

Subscribed and sworn to before me, this 13th day of the month of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed, June 13th, 1855, in office.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Enisly Elliott.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 13th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in the State aforesaid, came Enisly Elliott, a witness in behalf of the United States in case No. 813 on the docket, who being sworn, deposed as follows:

Claimants' counsel is present.

H. Moore, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, says:

Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is William H. Moore; my age 59 years; and I reside in the valley of Santa Rosa, in Sonoma county, California.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their characters severally for truth and veracity; if yea, is it good or bad, and would you from that public reputation believe either of them on oath?

Answer. I am acquainted with all of the said persons, and I am tolerably well acquainted with their character for truth and veracity, having lived in neighborhood ever since 1847, and I must say, to the best of my knowledge, their said character has not been very good, and I would not believe either of them on oath; I mean according to the best of my knowledge of their public reputation.

Cross-examined by Mr. Marshall for Claimants.

1st question. Do you hold or occupy any lands in Sonoma county; if yea, under what claim or title?

Answer. I do hold lands in the said county under title from Julio Greer.

2d question. Have you ever had any quarrel, litigation, or difficulty of any kind with either of the aforesaid Vallejos or José de la Rosa?

Answer. I have not.

3d question. Have they, or either of them, ever testified adversely to your interest in any suit?

Answer. Not that I know of. Gen'l Vallejo once sued me for cutting some timber, and he paid the costs and withdrew his suit.

4th question. Are there not a great many squatters living in your present neighborhood?

Answer. There are a great many persons residing in my neighborhood who, I have been informed by some of them, and Gen'l himself, that they had bought of him conditionally. I do not know whether those persons residing on other claims in the said county have bought in any way or not, or whether they are squatters.

5th question. Are you interested in any way in any other land in California than that on which you live in Sonoma county?

Answer. I am; it is property or land in the city of Sonoma which I hold under a title from the said city.

6th question. Have you paid Greer for the land you bought of him as before stated?

Answer. I paid him fifty dollars down, and was to pay him the balance when he obtained his patent from the United States government.

7th question. Did the other persons who live on the said Greer's tract purchase in the same way that you did?

Answer. I do not know whether they did or not. I know some who paid down from $1,000 to $1,500, which I understood was upon the condition that the balance was to be paid when Greer obtained the patent as above stated. I think Greer sold the greater part of his land on the said terms.

8th question. Do you know whether the said Vallejo and José de la Rosa, or either of them, has testified before the U. S. land commission, or elsewhere, in favor or against the title of said Greer?

Answer. I do not know of either of them having testified in any way relative to the claim of Julio Greer, but I have seen a paper purporting to be a copy of the testimony of Gen'l Vallejo in favor of the claim of Joaquin Greer, which adjoins that of Julio Greer.

Re-examined by U. S. Law Agent.

1st question. What effect have the circumstances related by you in the foregoing cross-examination upon your testimony in this case?

Answer. They, with the public reputation in the neighborhood of the said persons, form the ground of my distrustfulness of the truth of what they (the said Vallejos and Rosa) would state on oath. The said deposition of Gen'l Vallejo, or copy thereof, was generally believed among the neighbors to be false.

(Signed) WM. H. MOORE.

Subscribed and sworn to before me, this 13th day of the month of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed, June 13th, 1855, in office.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Enisly Elliott.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 13th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in the State aforesaid, came Enisly Elliott, a witness in behalf of the United States in case No. 813 on the docket, who being sworn, deposed as follows:

Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is *Enuly* Elliott; my age is 26 years; and I reside in the county of Sonoma, Cal.

2d question. Are you acquainted with Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their characters, severally, for truth and veracity in the community in which they reside? Is it good or bad, and would you, from that public character or reputation, believe either of them on oath?

Answer. I am acquainted with the said persons, and tolerably well acquainted with their characters for truth and veracity in the neighborhood in which they live, having lived in their neighborhood ever since the fall of 1845, and their said character, in my estimation, is not good in their neighborhood, having heard a great many persons say they had sworn falsely, and that they would not believe them on oath; and from such reputation, I would not believe either of them on oath.

Cross-examined by Mr. Marshall for Claimants.

1st question. Do you hold any land in California; if so, where, and under what claim or title?

Answer. I hold a tract of land in the county of Sonoma on which I now reside under title from James Berreyesa. I also hold 100 acres adjoining the town of Sonoma under title from Julio Greer.

2d question. Have you ever had any dispute, litigation, or difficulty of any kind with either of the aforesaid Vallejos or José de la Rosa?

Answer. I have had nothing of the kind with any or either of them, except Salvador Vallejo, with whom on one occasion I had a little fuss, but it amounted to nothing, and we are now on friendly terms.

3d question. How long is it since you learned from general report that the general character of the said men for truth and veracity was so bad as to render them unworthy of belief in testifying under oath?

Answer. It is since they have been testifying before the board of U. S. land commissioners that they have gained the greatest notoriety for untruthfulness, but I also learned it previously.

4th question. Did you mean to say that all those of the said men had gained such notoriety for untruthfulness before they commenced testifying before the board of U. S. land commissioners?

Answer. I do.

Re-examined by U. S. Law Agent.

1st question. State how intimately you have been acquainted with José de la Rosa since you have known him; what business

has he been engaged in, what property or visible means of support has he had since you have known him?

Answer. From the time I first became acquainted with him up to the time he commenced swearing before the said land commission he has been loafing; since that, he has dressed up and put on the appearance of a gentleman. I do not know of his having had any property of any value; he lived with his family in one end of the same house in which my father lived, and his family has often come to the house of my father for something to eat.

2d question. Could he have had during the years 1846, '47, '48 and '49 from three to 500 stock horses and some 40 or 50 tame horses at Sonoma, and a like number of cattle, without your knowing it?

Answer. I do not think he could. I have travelled all over the country, and have seen or known no such stock, and the said Rosa has told me probably more than 20 times, from 1845 up to 1849, that he had no stock such as described.

3d question. Look at the representation made by José de la Rosa in his deposition filed in this case on the 12th day of June, 1855, in answer to question 4 therein on cross-examination, and state whether from the time you knew him, in the fall of 1845, said Rosa has ever had up to the present time any cattle or horses at Sonoma with the same brand or a similar one.

Answer. To the best of my knowledge he has not; if he had, I believe I would have known it, having had every opportunity to know it.

4th question. Please give your reasons for believing that José de la Rosa since you have known him has not had any property or real estate of any kind.

Answer. I believe it because the said Rosa has frequently told me so; and living at the same place and in the same house, I had every opportunity of knowing it.

5th question. Since the year 1845 has the said Rosa or his family ever resided at any other place than sonoma, and has the said Rosa had business on the lands claimed in this case during that time?

Answer. The family of the said Rosa lived at Sonoma from 1845 to 1851, and since that I have understood that his family has left him. He has also resided the greater portion of the time since 1845 and up to the present time in Sonoma. I do not know that said Rosa has had any business on the land claimed in this case; if he had had, I think I should have known it.

Cross-examined by Mr. Marshall for Claimants.

1st question. How long did you live in the same house in which José de la Rosa lived at the same time, and in what year?

Answer. We lived in the same house with a wall between us, I think, in the summer of 1846, about three months.

2d question. In what department, country, or district did you then live?

Answer. I lived in Sonoma valley, then called the mission of Sonoma.

3d question. What section of country was then known by the name of Sonoma, and how far did it extend?

Answer. I then understand the limits of the said section of country to extend from the dividing ride between Napa and Sonoma to the dividing ridges between Petaluma and Sonoma.

4th question. Do you know all the Spanish brands in Napa, Sonoma, and Solano counties; if so, how do you know them, since 1845?

Answer. I do not, because a great many new irons have been made since that time.

5th question. I have looked over the records of Sonoma county two or three times for said purpose.

6th question. Do you know whose brand the following character represents Z; if yea, whose is it?

Answer. I cannot remember whose brand the said character represents, but I think I have seen it on stock.

7th question. Did you or your father take any part in raising the Bear flag in the year 1846?

Answer. Yes, we both did.

8th question. Are you acquainted with the "Julpinas rancho" claimed by the Messrs. Luco in this case?

Answer. I am not.

(Signed) ENISLY his XX mark. ELLIOTT.

Subscribed and sworn to before me this 13th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 13th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of G. H. Woodman.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 13th*, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, G. H. Woodman, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

The counsel for claimants is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is G. H. Woodman; my age 33 years; and I reside in Napa.

2d question. Did you ever have a conversation with either of the claimants in this case, or with Salvador Vallejo, relative to the interest said Salvador Vallejo had in the confirmation of the claim in this case filed? if yea, state when, where, under what circumstances, and what led to such conversation, and give the substance of it.

Answer. About a year and a half or two years ago, as near as I can remember, I had a conversation with said Salvador Vallejo, in which he offered to sell me a piece of land which is part of the rancho of Ulpinas claimed in this case. In this conversation, as far as I remember, he did not state that he owned it. In Napa, about six months ago, I held a note against said Salvador of $4,000; I sued him on said note; I was told by his attorney, Judge Horrell, that if I would wait until this case was confirmed, that *that* Salvador said that he would pay me the principal and interest. I then asked Mr. Luco, one of the claimants herein, whom I saw in San Francisco shortly after this conversation, if said Salvador had any interest in this claim, and said Luco replied, that when said claim would be confirmed there would be about eleven thousand dollars coming to said Salvador.

Cross-examined by Claimants' Counsel.

1st question. Are you the same person who testified by the same name in this case yesterday?

Answer. Yes.

2d question. Which of the Messrs. Luco made the reply to you in regard to the $11,000 spoken of by you?

Answer. The two brothers look so much alike to me that I do not know the name of the one who told me of it.

3d question. State when, where, and in whose presence this reply was made to you, and in what language.

Answer. It was in Commercial street in this city, in front of Hepburn & Co.'s butcher shop; I do not think there was any person beside ourselves present; it was given in the English language by said Luco.

4th question. State when, where, and under what circumstances you received from Mr. Luco the cattle referred to in your deposition of yesterday, and how many there were.

Answer. I had a contract with Mr. Luco to deliver me some cattle, I think about 400 head; the cattle that I spoke of yesterday that were replevied were about from 60 to 80 in number; the cattle were delivered to me in Napa, I think, in the month of May or June of last year; there was a balance due me on the contract after the delivery of the first lot; I considered that balance as payment

on the lot which I have just spoken of; said cattle were taken from me by Mr. Hentson, who had notes put into his hands against me; said Hentson had the papers of attachment made out against me, and to save costs I gave him the cattle to satisfy said notes.

5th question. What office did said Hentson fill at that time?

Answer. As near as I can remember he was acting as county judge, though I am not positive as to the time he took his seat.

6th question. Do you not know of your own knowledge that said Hentson was the county judge at that time?

Answer. I do not; I have just stated all I remember about it.

7th question. From what court was that writ of replevin issued against those cattle?

Answer. I cannot say.

8th question. State how many of those cattle were returned to Mr. Luco, and whether you owe them now.

Answer. I cannot state the number; there was, I think, 40 odd head of them returned, and the balance I paid them in money; I am not aware that I owe them anything; we settled in full; there may have been a few dollars difference, but we passed receipts, and those few dollars were thrown in.

(Signed) G. H. WOODMAN.

Sworn to and subscribed before me this 13th June, 1855.

(Signed) R. AUG. THOMPSON.

Filed in office June 13th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of A. A. Ritchie.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 14th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Archibald A. Ritchie, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for Claimants.

1st question. What is your name, age and place of residence?

Answer. My name is Archibald A. Ritchie; my age 49 years; and I reside in San Francisco, Cal.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long have you known them? State what you know of their character for truth and veracity, and honor and integrity, in the communities where they respectively live, both from your personal knowledge and general

report; and judging from such knowledge, would you believe them under oath?

Answer. I am acquainted all three of said persons; I have known Gen'l M. G. Vallejo very nearly five years, and the other two about four years; my acquaintance with M. G. and Salvador Vallejo has been intimate, and rather more so than with the said José de la Rosa; I have had business transactions with M. G. Vallejo to the extent of $5,000 or $6,000, and from that up to $18,000 or $20,000; my vocation as a merchant in various parts of the world has brought me in contact with all classes of men of many nations, and I have never found a man that I consider more reliable. In several transactions, involving many thousands of dollars, I have had to depend on his bare word, and in such transactions have found him the very soul of honor. I was always very careful in our verbal understandings that we should distinctly understand each other, and we have never had a misunderstanding in any business transaction, or otherwise. I must say that there is no living man whose word I would confide in sooner than that of General M. G. Vallejo. I have frequently heard Gen'l Vallejo's character for truth and veracity questioned, but have always looked upon it as an artificial state of feeling, got up by parties who either wish to succeed have him failed, or have misunderstood him in regard to some matter of business. My conviction is, that there is no person who has known Gen'l Vallejo through a series of years, and who is or has been entirely disinterested, if they were asked if they would believe him, Gen'l Vallejo, on his bare word or oath, that they would answer otherwise than emphatically yes. So far as I am concerned I should put full faith in any declaration made, or in any testimony I have ever known him to give, and, in short, I would fully believe him under oath.

In regard to Salvador Vallejo my intimacy with him has not been so close as with his brother, M. G. Vallejo, but sufficiently so to enable me to form conclusions in regard to his character for truth and veracity. I have frequently heard him examined as a witness under oath at different times, after long intermissions, but always through an interpreter. I have noticed some discrepancies when an examination on the same subject was made by different interpreters, and upon questioning him afterwards on those discrepant points I have always become satisfied that he meant to testify correctly, and had done so in his native language. My relations with the said Salvador Vallejo have not been of such a kind or so intimate as to enable me to testify so emphatically in favor of his truth and honor as in the case of his brother M. G. on the same points, but I may say sufficiently so to lead me to the conviction, that under oath he always meant to tell the truth, and I would believe him under oath.

I have frequently heard his character for truth and veracity im-

peached under much the same circumstances as those I have testified to in regard to his brother, M. G. Vallejo—that is, artificial state of feeling connected with some matter of business, under which, from the partial knowledge of the English language, he has been misunderstood; I have known so many men whom I had the best reasons for believing were men of purest integrity and truthfulness, grossly slandered in the part of the country where Gen'l M. G. Vallejo and Salvador Vallejo live, that I have been disposed to exercise some caution in regard to the impression I allowed to be made on my mind by calumnies such as those alluded to.

My acquaintance with the said José de la Rosa has been of about the same period of time as with the said Salvador Vallejo; José de la Rosa, so far as I know, has little or no knowledge of the English language, and in our conversations, which have been frequent and long, as well as in hearing him give testimony, an interpreter has always been employed. The said Rosa is a very aged man, and the impressions that I have formed in regard to him are, that he is a person of more than ordinary religious feeling and conscientiousness; I have always found him and believe him to be truthful; have never heard his character for truth and veracity questioned, and should fully believe him under oath.

3d question. Do you know the state of feeling existing among the settlers in that portion of California where the Vallejos and José de la Rosa aforesaid reside, towards persons holding Spanish or Mexican titles, and persons who have assisted, by their testimony or otherwise, in sustaining such titles; if yea, what is it?

Answer. My knowledge on these points has been chiefly hearsay, but my information has been so frequent and from such sources, and my positive knowledge of a collateral kind, say the acts of many of the class of men called squatters, such as to convince me that reports have been originated and repeated over and over again, and impressions created which would lead prejudiced men to testify on points adversely to facts of which they have not taken proper pains to inform themselves—I mean general report; and to give full details, would occupy more time than would be necessary to bestow upon the subject. I have been assured of a determination to get up testimony to swear to anything which might be necessary to carry a point against claimants of lands under Spanish or Mexican titles. It is proper that I should here add, that a majority of the class of men called squatters, I have found and believe to be honestly inclined, while, at the same time, not a few are the most unscrupulous and faithless men I have ever met with in this or any country.

4th question. Do you know whether the said Vallejos and José de la Rosa have given testimony before the U. S. land commission favorably to land titles under Spanish and Mexican grants, and adversely to the interests of the people termed squatters?

Answer. Yes, I have known of the said persons giving such testimony, and from the public offices which they are understood to have held under the Mexican government in California, they are all important witnesses on many points connected with the grants made under said government, and in some cases the only witnesses, but I volunteer to say here that I never heard of such a thing as a design to impeach the testimony of such men as the persons named until very recently.

The law agent objects to the foregoing deposition—

1st. Because the information of the witness is mainly derived from personal intercourse.

2d. Because the witness has not sufficient knowledge of the general character of the witness impeached.

3d. Because it is argumentative, and not as to facts merely.

4th. Because the witness has never resided in Sonoma county; is not acquainted with the witnesses in the community in which they reside.

Cross-examined by Mr. McKune.

1st question. Did you ever live in the district or county of Sonoma?

Answer. I never have lived in what is now the county of Sonoma, but I have made my home and residence with my family in the former district of Sonoma.

2d question. Are you a claimant for land in California called Suisun, and has that claim been presented before the U. S. land commissioners, transferred to the district court, and passed upon by the Supreme Court.

Answer. I own the principal part of the tract of land known by the said name under a perfect or legal title from the Mexican government; it has passed favorably through the said board, the said U. S. district court, and has been finally confirmed in my favor by the Supreme Court of the United States.

3d question. What is the value of that land?

Answer. I am quite unable to say; some portions of it may be valued at $100 per acre, other parts at $20.

4th question. Were Salvador and M. G. Vallejo witnesses for you in that case?

Answer. No.

6th question. Have you any other evidence of a juridical possession of that land having been given, except by the testimony of the said Salvador; if yea, what is it?

Answer. The official map which accompanied and formed a part of the title has on it certain dotted lines, which mark the boundaries, and which I have understood were marked by the assisting witnesses and the notary public, who officially assisted at said pos-

session; some of said witnesses are dead, and some, I have been informed, are still living, but I have thought it unnecessary to *see* for further testimony than that of said Salvador Vallejo.

7th question. Has your business in California led you to examine the existence and state of land titles in Solano county? if yea, to what extent, and would you in the years 1848, 1849, and 1850 have been likely to know if there had been a claim like the one now here presented; give your reasons for believing such a claim had no existence as early as 1850; if yea, *have* any such reasons.

(7th question objected to by claimants' counsel.)

Answer. I first came to California after the middle of the year 1850, and had little or no knowledge of land titles until the beginning of 1851, and after.

8th question. Do you not frequently hear it mentioned by persons whom you do not recognise as squatters, but men of business in this city, that Gen'l Vallejo testified falsely both as to the existence of a line of the pueblo of San Francisco and the location of that line?

Answer. My information on these points has been chiefly derived from newspapers; I have heard his testimony in regard to said line questioned or doubted, but have always believed such doubts were expressed by interested parties.

9th question. Is not the impression general that in land matters they do not hesitate to swear falsely? I mean M. G. Vallejo and Salvador Vallejo and José de la Rosa.

Answer. Most emphatically, no, so far as my knowledge extends.

10th question. What do you think of the class of men called speculators?

Answer. If land speculators are meant, I think they are composed of all classes, from the most honorable and upright, who give value received for their property, down to the most unprincipled squatter, of whom there are many who take possession of the lands of the first named, which were honestly bought and paid for, and they victimize some brother squatter by assuring them that the land offered was public land, leaving him to sell and pass it to other persons under the same system of fraud or false pretences.

11th question. Has either of the brothers Vallejo or José de la Rosa ever testified before this commission in case other than the Suisun, the confirmation of which would inure to your benefit?

Answer. I am unable to say.

12th question. Had either of the witnesses named any interest in the "Suisun rancho," or any expectancy depending on the confirmation of the same at the time they testified therein?

Answer. I think not.

13th question. What do you now estimate as the market value of your Suisun rancho, on a supposition that your title is complete and you could give immediate possession to a purchaser?

Answer. It is next to impossible for myself or any one else to even approximate the value of such a property. By a forced sale under the hammer, I think it quite probable it might command from $30,000 to $40,000; and then again, by good management, by sales in small parcels it would perhaps double that sum, or more. I give these estimates as mere guess-work.

14th question. Answer the same matter asked in question 7 on cross-examination, as to the years 1850, 1851, 1852 and 1853.

(14th question objected to by claimants' counsel.)

Answer. My landed interest in California has led me to examine the existence of all or any titles which bounded any of my own property. I never heard of the existence of any such title as the present before the year 1852, and until that time supposed the lands bounding my Suisun property on the east were part of the public domain; I was led to that conclusion by various reasons, one of which was the survey of said lands by the U. S. surveyor general; being the owner of adjoining lands, using every effort to ascertain my own boundaries correctly, it seems reasonable that I should have heard of such a claim as the present, which I never did before the time named.

15th question. In conversation with either of the brothers Vallejo relative to your Suisun tract, or to the boundaries thereof, did either of them mention such tract of land as the "Julpinas," and in their various depositions examined by you relative to the land in that neighborhood, has either indicated the existence of such a title?

(The 15th to the 18th question inclusive objected to by claimants' counsel.)

Answer. Salvador Vallejo, in conversation, since the year 1852, has alluded to the said claim "Julpinas;" I know nothing regarding it in any depositions.

16th question. Before the year 1852 did either Salvador Vallejo or José de la Rosa ever inform you that the lands now claimed in this case were public lands, or did either say anything to induce in you a belief that they were public lands?

Answer. I think not.

17th question. Have not said Vallejos given you specific information in regard to each other's tract of land adjoining your Suisun tract, and is it not probable that if they had known of the existence of the Julpinas grant prior to 1852, they would have informed you respecting it?

Answer. Yes, I think so.

18th question. Did you, prior to 1852, ever hear of either of the said Vallejos speak of the land claimed in this case as "baldias," or vacant lands; if nay, how did they speak of it in their conversation with you relative to the boundary of the Suisun on that side; did you derive your impressions as to the vacant character of the land from them?

Answer. I don't think I ever heard either of the said Vallejos named speak of the land claimed in this case as "baldias," or vacant land, and I cannot recollect that either of them ever made any explanations at all in regard to the lands bordering the Suisun on the east. I am unable to say whence I derived my impressions of the vacant character of the land; I certainly did get an impression about the year 1852, and before that the lands bordering Suisun on the east were vacant or public lands.

Re-examined by Claimants' Counsel.

1st question. Was your conversation with the said Vallejos respecting the lands adjoining the Suisun rancho, held in English or Spanish?

Answer. Mostly in English; M. G. Vallejo understands and can express himself very well in English; Salvador Vallejo sufficiently well to be understood in private conversation, though I have never known him to testify in English. My impressions in regard to the boundaries of Suisun were received from a good map, and the facts are, that I have found it necessary to make inquiry in regard to the boundaries, less than might reasonably be supposed.

(Signed) A. A. RITCHIE.

Subscribed and sworn to before me this 15th day of June, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 15th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Ramon de Zaldo.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 14th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Ramon de Zaldo, a witness on behalf of the claimants, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The United States law agent is present.

Questions by Mr. Jones, for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Ramon de Zaldo; my age 50 years; and I reside at Mission Dolores, San Francisco county, California.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo and José de la Rosa; if yea, how long have you known them? state what you know of their character for truth and veracity, and honor and integrity, both from your personal knowledge

and general report; and judging from such knowledge, would you believe them under oath?

Answer. I am acquainted with all of the said persons: Gen. M. G. Vallejo since the latter part of 1851; Salvador Vallejo and José de la Rosa since about the middle of 1853; with the said de la Rosa I am slightly acquainted, and merely class him among my acquaintances. My intercourse with Salvador Vallejo has been very slight, and with Gen. Vallejo to a degree of most intense friendship and connection. From what I personally know of the two former, I would pronounce them men of good character for truth and veracity; and with regard to Gen. Vallejo, both from general report and from my own knowledge, I vouch for his truth and veracity and high character, for in point of honor I have found him ambitious of his name and standing in society above all other considerations; I would, therefore, attach the same faith to his word as to his oath.

3d question. What is the reputation of the above named persons in the community where they reside, both from report and your own personal knowledge?

Answer. It differs very materially; among those who think well and are acquainted with them, they enjoy the reputation that every honest man desires; among large circles of individuals envious of their position, or setting up claim against their right, report has taught me that they hold them in an unfavorable light.

4th question. What class of persons do you particularly refer to in speaking of those who think unfavorably; and do you know, from your own personal knowledge or report, what motives govern them in attempting to attribute to them a character for untruthfulness.

Answer. I allude to that class of individuals called settlers or squatters, and both from belief and report consider them governed by interested motives, being apparently affected either by the vast deal of property that they, the Vallejos, seem to possess, or by testimony that may have been adduced from them conflicting with those pre-emption settlers or squatters.

5th question. Are you acquainted with Pio Pico, former governor of California, and are you acquainted with his signature and handwriting, and what have been your opportunities of so becoming acquainted with the same?

Answer. I am acquainted with the said Pio Pico; class him among my friends; I correspond with him; have in my possession several of his letters; I have seen him write and sign his name on many occasions; he has been at my office at San Francisco; I have resided upwards of a month at a time at his house at Los Angeles; and, whilst having in charge the archives of the Mexican government for the United States government in California for three years, I have had opportunities, in the classification and organiza-

tion of said documents, to see upwards of five hundred signatures of his appended to his official acts.

6th question. Look at the document marked "A. P. L." exhibited to deposition of José Castro and J. B. Alvarado, being a certified traced copy of the original on record in the office of the surveyor general of the United States for California, and state whether you have seen and examined this day, in the said surveyor general's office, the said original, and whether the same is a true and correct copy, and state whether the signatures of Pio Pico, as they occur in said document, are the true and genuine signatures of the said Pio Pico.

Answer. I have seen this morning at the said surveyor general's office, or rather in the room where the archives are kept, and for the first time, a document or espediente of which the one now exhibited to me is a traced copy; I have not seen the two together, but as far as recollection goes of an immediate, even within one hour's time, the very identity of the signatures of Pio Pico that I find in both documents, the certificate appended of the actual surveyor general, John C. Hays, my knowledge of the way in which these fac similes were furnished during my connection with said office of the surveyor general convinces me beyond a doubt of the genuineness of the one as an original document, and its fac simile marked "A. P. L." in the documents above referred to. It is true that the shape of the capital "P's" in the words "Pio" and "Pico" differs very materially from most others that are appended to many of his acts, but the identity of those very "P's" with those that I have seen him make, the variety of "P's" which he generally uses in signing—for I distinctly know four perfectly different in shape—and not entering in the minute discrepancy of the dash or stroke of the pen—for, in fact, I have never seen two perfectly alike—yet both in the handwriting, and most particularly in his rubric or flourish, I recognise his hand. The tenor of the document signed by him, the appendage of the official stamp recognised in Mexican documents, and the signature of his secretary, with which I am well acquainted, convinced me beyond the shadow of a doubt of the genuineness of the said signatures of Pio Pico.

Cross-examined by Mr. McKune.

1st question. In what business have you been employed during the last three years?

Answer. The year before the two last I was attached to the surveyor general's office in charge of the archives, and during the last two years I have carried on an extensive farming in Santa Clara county, at my farm called "Isabella farm," and acted in San Francisco as the agent of several wealthy Californians, such as Dn. F. P. Pacheco, of Monterey, for whom I have sold upwards of 7,000 head of cattle, Dn. José de Jesus Vallejo, of San José

mission, for whom I have sold lands, and have and am selling 3,000 or 4,000 head of cattle, and some 16 or 17 other wealthy Californians, whose agent I am by power of attorney.

2d question. Name ten of your most intimate friends.

Answer. Philosophers of ancient and modern times have asserted that it was a very difficult thing to have one intimate and true friend, and I consider that it would be wonderful if I were the man who formed the exception to that rule by pointing out ten; yet to answer the *answer*, I call my friends all those who know me—at times were the friends of my friends—and point out among those with whom I have most so-called intimate intercourse: Felix Argenti, Leandro Ransom, Samuel D. King, Gen'l M. G. Vallejo, Don José de Jesus Vallejo, F. P. Pacheco, Andres Pico, Alvin C. Campbell, E. W. Taylor, Edward Stanley, and so forth, ad infinitum; for according to my statement in the commencement of this answer, I do not give the construction that most men do to the term "intimate friend."

3d question. Do you recognise Victor Prudon as one of your intimate friends?

Answer. No, sir. I am as slightly acquainted *acquainted* with him, as I am with any person with whom I have held two or three conversations. I class him among the friends of my friends; he does not visit me, and when I meet him I bow to him, entertaining for him the same regard that I do for every decent person in the community.

4th question. Have you ever had any business together? if yea, what?

Answer. Never, of any kind whatever.

5th question. Where do you keep your business office?

Answer. For several months past, at No. 101 Merchant street, with the name on the door, and on the street, in gilded letters, the full name "Ramon de Zaldo."

6th question. Look at document H. J. T., No. 18, annexed to the deposition of M. G. Vallejo, in case No. 280, and state when, where, and under what circumstances you first saw said paper, and in whose handwriting it appears.

Answer. I first saw said paper in the hands of Gen'l M. G. Vallejo, about the latter part of the year 1852, or the beginning of 1853, I am not certain, when he requested me to search in the archives and to find out if the original or copy of records in 1834 showed said proceedings. At the time I first saw the said papers, I was employed in the surveyor general's office in the city of San Francisco, where it was then shown to me. With regard to the handwriting, I am tolerably well acquainted with it.

7th question. Are you acquainted with the handwriting of Victor Prudon; if yea, do you not discover that the writing resembles his, with some pains taken to disguise it?

Answer. I have never seen him write, and consequently cannot testify concerning the handwriting, nor do I remember to have ever seen knowingly a paper written by him.

8th question. Do you recollect to have seen the documents upon which the claim No. 101—the heirs of de Haro, claimants—before this commission, is produced; if yea, when, where, and in whose hands did you first see the paper purporting to be a grant and judicial possession?

Answer. I have seen a paper or document which I think purported to be such grant and judicial possession, and the first time I saw it was at the time it was filed in the said case; it was then shown me by Mr. Throckmorton, who then in this room told me he was going to file it; I have not seen it since.

9th question. Are you, or have you been, interested in any land titles depending in part or in whole upon the testimony of M. G. Vallejo, Salvador Vallejo, or José de la Rosa; if yea, to what extent?

Answer. I never have, nor have I now, that I know of.

10th question. How do you form your estimate of the genuineness of signatures?

Answer. It requires the knowledge of a person who writes, to have seen him write, to examine the tenor of what is written, to exercise the sight, and to appeal to common sense in the absence of good sense, and even to recall to mind the purpose and intent of the act of writing which summons itself in the means of conveying a thought from one person to another without speaking, and the so-called signature being the proof that the person has said or done such an act; but it is well for me to state that Spaniards do not consider their signature the mere writing of the mame; they must append to it a flourish called "rubrica," and *of which* form a universal custom among the Spaniards; even the king is not exempt, for his name is printed, "I, the king," with his flourish, which gives validity to the act of the Crown.

(Signed) RAMON DE ZALDO.

Sworn to and subscribed before me June 15th, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 15th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Augustus M. Heslep.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 16th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State,

came Augustus M. Heslep, a witness in behalf of the claimants, in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Augustus M. Heslep; my age 48 years; I reside in the city of San Francisco, and by profession am an attorney and counsellor at law.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long have you known them, and do you know their character for truth and veracity in the community where they reside, either from general report or your own personal knowledge; and judging from such report and knowledge, would you believe them under oath?

Answer. I am acquainted with Gen'l Vallejo and Salvador Vallejo, but not with José de la Rosa; I knew Gen'l Vallejo from reputation previous to my personal acquaintance with Salvador Vallejo, about a year, but I had previously heard him spoken of; so far as Gen'l Vallejo is concerned, I have always esteemed him as possessing a state reputation, by which I mean that he possesses more than a local reputation; that reputation, as well as my observation of him as a man, has been that of a high-toned, liberal, kind-hearted man, and esteemed as a man of reputation for both truth and veracity; and in addition to that I will add, that I have frequently heard of his being the victim of cunning and designing men. I have been a close observer of the social and political elements of California since it became a State, and as a result of that habit, am very well acquainted with the elements at work to make an *immade* character in the State; and through the entire period referred to, have heard the character of General Vallejo for truth and veracity doubted but by one person previous to the present occasion; I will state, also, that I am not controlled or influenced in my estimate of the character of men for truth and veracity in California by the same rules that I would be in older settled communities, for the reason that adventurers and speculators, politicians, have exhibited in the State of California a degree of unscrupulousness in regard to property, that character, and even on some occasions life itself, would be no obstacle against the securement of their desires, particularly there has existed an antagonism in this State as regards landed interests in the State since 1849, of a bitter, hostile character, on the part of the settlers and claimants under Spanish and Mexican grants; the settlers are opposed to the claimants; the great body of settlers are honest, well meaning men, but have been misled in regard to their rights by knavish lawyers and

corrupt politicians; and as a means of securing popularity and influence among settlers it has been a point among that class of persons to defame, misrepresent and abuse land owners, and all persons wishing to act correctly in regard to the rights of property in the State; therefore the usual rules for testing truth and veracity ought not to hold good in this State, and the testimony of all persons occupying the adverse position referred to should be received with great allowance; and in the absence of an overt act of perjury charged upon Gen'l Vallejo, I should esteem his reputation for truth and veracity equal to that of any man in the State, and would therefore believe him under oath. As regards Salvador Vallejo, my opportunities for knowing his reputation for truth and veracity have been limited; I have heard from different sources he has been victimized and plundered of a great deal of his property, and from what little I do know of him and his business, without some well established case of falsehood or perjury, I would believe him under oath.

Cross-examined by Mr. McKune.

1st question. Have you ever resided in Sonoma?

Answer. I have not, but my intercourse has been somewhat extensive, and there is nothing in the fact of not having resided in Sonoma, the residence of Gen'l Vallejo, that would lead me to change my answers in the examination in chief.

2d question. Are you the attorney of A. A. Ritchie, in the prosecution of certain suits, wherein the said brothers Vallejo and José de la Rosa, or either of them, will be material witnesses, according to the best of your information?

Answer. I am the attorney of Capt. A. A. Ritchie, and Ritchie, Osgood & Co., in various suits, but know of no suit or suits in which I am present concerned, wherein the testimony of the brothers Vallejo would be either necessary or material, unless it might be used in a case pending of Ritchie against Forbes, on a matter of account arising out of a landed transaction, and as at present advised they nothing of the transaction. There are some four other suits in reference to the Suisun rancho in the U. S. district court, in which the testimony of both the said Vallejos might be material; I am not certain, however, whether the cases are still pending; the circumstances of my connection with the business leaves me in uncertainty as to their present condition, not being the attorney of record.

3d question. Do you not frequently hear in San Francisco the character of Gen'l Vallejo for truthfulness doubted, and is it not generally believed that he is unscrupulous in swearing?

Answer. I have not frequently heard the character of Gen'l Vallejo for truthfulness doubted in San Francisco; I cannot answer the latter clause of the question affirmatively or negatively, but do

not know personally of any such belief; at the same time there is a large number of persons in San Francisco whose interest it is to establish a reputation for unscrupulousness in swearing, arising from questions of title to property; and if true it is generally believed that he is unscrupulous in swearing, as an individual I would disregard it for the reasons set forth in my examination in chief, unless I had personal knowledge of a given instance of unscrupulousness in swearing; then I would not credit him in any instance.

4th question. Have you not frequently said that you believed that the line commonly spoken of as the Vallejo line, as the south bound of the pueblo of San Francisco, was never run by Gen'l Vallejo?

Answer. I have no recollection of stating or expressing any belief on the subject of the said Vallejo line; such has been the scramble in reference to property, and particularly about San Francisco, that I have given the subject no attention or consideration.

5th question. Have you not said, and do you not believe, that Mission creek was the stream running near the mission of Dolores, and not the small stream called Mission creek by Gen'l Vallejo, in describing the southern line of the city?

Answer. I have generally understood the creek running near the mission Dolores to be the stream called Mission creek, but do not know the fact whether it is so or not; therefore I could not express any belief on the subject, not having examined the question. I may have said that that was Mission creek, and have no doubt that I have pointed it out as such in casual and unimportant conversation; I have not given the subject of the city title sufficient consideration to know with certainty the small stream called Mission creek by Gen'l Vallejo, in describing the said southern line of the city.

(Signed) AUGUSTUS M. HESLEP.

Subscribed and sworn to before me this 16th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 16th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Juan de Dios Sepulveda.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 15th*, 1855.

This day, before S. B. Farwell, one of the commissioners to ascertain and settle private land claims in said State, came Juan

de Dios Sepulveda, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for the Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Juan de Dios Sepulveda; my age 29 years; and I reside in the city of San Francisco.

2d question. Please state your present occupation.

Answer. I am one of the editors of the Spanish paper published in San Francisco, under the title of "La Cronica."

3d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo and José de la Rosa; if yea, how long, and do you know their character for truth and veracity in the community where they reside, either from general report or your own personal knowledge? if yea, state what it is, and whether therefrom you would believe them on oath.

Answer. I am well acquainted with all three of the said persons; with each one different periods of time; with Gen'l M. G. Vallejo ever since about the middle of 1852; with Salvador Vallejo one year; and with José de la Rosa ever since the latter part of the month of July, 1849. With respect to Gen'l Vallejo, I have known him as one of the men of the highest standing in California, as well for his intelligence as for his character and the estimation of the public relative to his conduct. With respect to Salvador Vallejo, I can say, that since my acquaintance with him, I have never heard his character for truth and veracity questioned or doubted by any one, and I have found him to be a perfect gentleman and an honest man, and he is very much esteemed among his neighbors as a generous, noble-minded man, of irreproachable character for truth and veracity. With respect to José de la Rosa, I esteem him as a very honorable man, very religious, and scrupulously honest in all his deportment; and in virtue of the said qualifications, I have learned since my acquaintance with him that he has enjoyed respectable and important positions under the Mexican government in California. Finally, from the time that I arrived in this country I have heard very special mention made of all three of said persons, and more particularly Gen'l Vallejo, in a manner that would be an honor to every man who aspires to an honorable position; and I know that in the community where they reside they are all of them esteemed as honorable, high-minded men, and worthy under all circumstances of the confidence of their fellow-men; and judging from the character they sustain in the community in which they reside, I could not have the least hesitancy in believing them under oath, and I am persuaded that all that may be said contrary to my impressions here expressed has its origin either in some interest or private enmity.

4th question. State the time and under what circumstances you first became acquainted with the said José de la Rosa.

Answer. I first became acquainted with the said Rosa in the latter part of the month of July, 1849, living aboard the vessel called the "Natalia;" the said José de la Rosa, in company with Don José Ramon Carrillo, came to the said vessel; the first with the object of purchasing a few goods from the said vessel to take to his family, at Sonoma, for which he brought some silver coin and gold dust. Having declined making the purchases, and determined to go to the mines of the north, he deposited the said gold dust, the exact amount of which I don't know, with the Messrs. Luco, sending to the captain of the brig Caroline, belonging to the said Lucos, to take care of it for him, the said silver (some $80 or $100) in a handkerchief; for neither of which amounts he required a receipt or written statement.

Cross-examined by Mr. McKune.

1st question. Where were you born, and where have you resided ever since?

Answer. I was born in Valparaiso, Chile. I was raised and educated in Santiago, capital of Chile, where I lived from my childhood until I left for California, in the month of March, 1849; and since in California I have resided at Yuba about two months, from where I went to Arroyo Seco, where I resided about two years; after which I went to Moquelumne Hill, where I resided about one year; from there I went to Sutter creek, where I resided until the month of November, 1854, when I came to San Francisco, where I have resided ever since to the present time.

2d question. Has not your acquaintance with the said Vallejos been chiefly since you have resided in San Francisco?

Answer. I cannot say that it has. I was well acquainted with them before I came to live in San Francisco.

3d question. Have you ever lived in Sonoma, or in that vicinity?

Answer. I have not.

Re-examined by Claimants' Counsel.

1st question. How often have you been at Sonoma, and how often at Napa?

Answer. I have been at Sonoma only once, where I remained two days, and at Napa five times—the first time 5 days there, the second 9, the third 6 or 7 days, the 4th and 5th times in the same day.

Re-cross-examined by Mr. McKune.

1st question. On what business did you go to Sonoma and Napa?

Answer. My principal business to Sonoma was to settle some pecuniary business with José de la Rosa, and private business with

Gen'l Vallejo. On two of the occasions I went to Napa was to collect from an American who lived near said place money which he owed me, once on a visit to the rancho of Salvador Vallejo, and the other two occasions on my way to Sonoma and returning from there.

(Signed) JUAN DE DIOS SEPULVEDA.

Subscribed and sworn to before me this 15th day of June, A. D. 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office June 16th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Chas. P. Stone.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 18th,* 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, Charles P. Stone, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Claimants' Counsel.

1st question. State your name, age, and place of residence.

Answer. My name is Charles P. Stone; my age 30 years; and I am stationed at Benicia, being in the army.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long have you known them? Do you know their general character for truth and veracity; and judging from such knowledge, would you believe them upon oath?

Answer. I am well acquainted with said Gen'l M. G. Vallejo, having known him nearly four years, and having had several business transactions with him; from my knowledge of his character, I would unhesitatingly believe him under oath. I am only very slightly acquainted with Salvador Vallejo, and not at all with José de la Rosa, and know nothing of the character of the two last named for truth and veracity, having never lived in their vicinity.

The U. S. law agent declines asking any cross-interrogatories.

(Signed) CHAS. P. STONE.

Sworn to and subscribed before me this 18th June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 18th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of David C. Broderick.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 18th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came David C. Broderick, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows, to wit:

The U. S. law agent is present.

Questions by Mr. Jones, for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is David C. Broderick; my age 35 years; and I reside in the city of San Francisco.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa? If yea, do you know their character for truth and veracity, either from general report or your own personal knowledge? If yea, what is it? and judging from such knowledge, could you believe them under oath?

Answer. I know Gen'l Vallejo; I have known him since 1850; I would believe him under oath. I do not know the others, except during the last few months. I have *not* heard his character for truth and veracity questioned, and then it was by persons interested against his testimony.

3d question. Do you know, either from general report or from your own knowledge, the state of feeling existing among settlers in regard to persons holding Spanish or Mexican titles, and towards those who by their testimony or otherwise have assisted in sustaining them?

Answer. I suppose, as a matter of course, there is such feeling; I only know from general report that such feeling exists; all I know from said report is that the feeling of opposition exists.

Cross-examined by U. S. Law Agent.

1st question. How have you heard Gen'l Vallejo's character questioned during the last few months?

Answer. I have heard it questioned as stated in my answer to 2d question above, by persons interested against the Bolton and Barron claim, and who are living out of the pueblo limits.

2d question. Did you ever live in Sonoma?

Answer. I have never been in the county.

3d question. Have you any interest in any case wherein said Vallejo has testified before this commission?

Answer. I have not.

4th question. Had you no interest in the result of the claim of this city to pueblo lands?

Answer. I own town lots bought in November and December of '49, at the town sale.

(Signed) D. C. BRODERICK.

Sworn to and subscribed before me this 18th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 18th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Franklin Bidwell.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 19th*, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, Franklin Bidwell, a witness in behalf of the United States in case No. 813 on the docket, who being sworn, deposed as follows:

Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Franklin Bidwell; my age about 45 years; and I reside in Sonoma county, on Russian river.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with the public reputation of each in the community where they reside for truth and veracity? If yea, what is it, good or bad; and would you, judging from this public reputation, believe either of them upon oath?

Answer. I am acquainted with them. I have known their public reputation for truth and veracity in the community in which they reside ever since 1844. Said reputation is not good, and from it I would not believe either of them under oath. Even among their own people it is not good, since I have known them from the year aforesaid. It is generally believed among the communities in which they live that their evidence given in many cases in this commission were point blank lies, without even the semblance of truth.

Cross-examined by Claimants' Counsel.

1st question. Are you a settler or squatter in Sonoma county?

Answer. I am not. I bought a piece of land from Alexander, who holds under the heirs of Henry D. Fitch.

2d question. Will you name the person whom you have heard speak of Gen'l Vallejo's character being bad for truth and veracity?

Answer. I cannot name all; I can name some: there is Alexander, Elliot and Hudson; there are two of them. The old man Elliott

and his sons are the ones referred to by that name. The Wrights, Joel and Windfield Wright, José Berreyesa; there are others, but I do not recollect their names.

3d question. Are not those men, with the exception of Berreyesa, squatters?

Answer. I do not know whether the Elliots are or not; the Wrights are.

4th question. Is the Berreyesa's character good or bad?

Answer. It is good for a Spaniard.

5th question. How far do you live from the residence of Gen. Vallejo?

Answer. I suppose about 30 miles.

6th question. What other Californians have you heard speak of Gen'l Vallejo's character being bad for truth and veracity?

Answer. Marian G. Saldo was one. There are others whom I do not call to mind. Mariano G. Saldo was a vaquero.

7th question. Was he not a half Indian?

Answer. He was as pure blood as you generally find among them in the upper country. He was part Indian.

8th question. State the cases in which said Vallejo testified to a falsehood?

Answer. There may be some known to the community, but I do not know more than one; that is in Joaquin Carrillo's grant. He testified in said case that said Carrillo cultivated about 300 acres in the years 1841 and 1842. I know that I passed the place in 1843 where his mother lives in Santa Rosa frequently, and said Carrillo was living there with her, and he continued to live there with her to the fall of 1845. There was no sign of cultivation on his place before 1845, though I was not there, and the only way I know of the want of cultivation is from people who have told me so. I know that he never moved to his place, or rather to the west of it, till the fall of 1845. I was on his place in 1846, and he had some improvements on the west side of the lagoon; I did not see any on the east side of it.

9th question. Have you an intimate acquaintance with Vallejo?

Answer. I have not; I only know him by sight, and never had any dealings with him.

10th question. How far do these persons of whom you have spoken live from said Vallejo?

Answer. From 20 to 25 miles.

11th question. Have you heard any of the immediate neighbors of said Vallejo speak of his character for truth and veracity; if yea, whom?

Answer. I could not say positively that I have.

12th question. Is there not a strong prejudice in that section of country against California landholders generally?

Answer. There is a considerable prejudice against them in that section of country.

13th question. What do you know, of your own personal knowledge, of Salvador Vallejo's character for truth and veracity?

Answer. I know nothing of his character as aforesaid, except from hearsay. I only knew him by sight, and do not know that I have ever spoken to him in my life.

14th question. Who have you heard speak of his character for truth and veracity?

Answer. The persons before mentioned have spoken of it. They are the only ones I can now recollect.

15th question. Were not those persons holding claims affected by their testimony?

Answer. Two of them I believe do; the rest do not.

16th question. What do you know of the character of José de la Rosa for truth and veracity, of your own personal knowledge?

Answer. I only know it from hearsay.

17th question. Who have you heard speak of it for truth and veracity?

Answer. I cannot name any certain, and I have heard it spoken of.

Re-examined by U. S. Law Agent.

1st question. Do you derive your knowledge of their character from the persons whom you have named alone, or from general reputation, from persons throughout the district of Sonoma?

Answer. It is the general talk all over Sonoma county, as far as I have been over it. I have not been over it as much as some men.

Cross-examined by Mr. Frisbie.

1st question. In what other part of said county other than you have testified to have you heard their characters questioned as aforesaid, in your cross-examination?

Answer. In Santa Rosa, as that is the only part that I have been in lately. I have not been about Sonoma for a year.

2d question. Who are the persons in Santa Rosa who spoke of their characters as aforesaid?

Answer. I cannot name a man positively; it is the general talk; I might name Wm. Moore as one.

3d question. Have you heard persons who are not squatters who thus speak of their characters?

Answer. Some are squatters, some are not. The largest number of the persons living in that district are squatters. Some have made bargains to buy their lands.

4th question. Have you heard any other than squatters speak of their character as being bad?

Answer. I do not recollect any others.

(Signed) FRANKLIN BIDWELL.

Subscribed and sworn to before me, this 19th June, 1855.
(Signed) R. AUG. THOMPSON.

Filed in office June 19th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of James Hobbs.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 18th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came James Hobbs, a witness in behalf of the United States, in case No. 813 on the docket, who being sworn, deposed as follows, to wit:

Questions by Mr. McKune.

1st question. What is your name, age, and place of residence?

Answer. My name is James Hobbs; my age 32 years; and I reside in Sonoma county.

2d question. Did you ever have a conversation with José de la Rosa relative to his estimate of the obligation of an oath, as administered in this commission? if yea, state when and where that conversation took place, what led to it; and state also what he said, if anything, in reference to the title of Gen'l Vallejo, and his participation in obtaining a confirmation.

Answer. I had a conversation with said José de la Rosa, the latter part of December last; it was at the store of Mr. Nathanson in Sonoma. On one evening that I went down on some business with José de la Rosa, I told him that I could take care of his horse for him; he told me that he was going down to San Francisco and did not know when he would return; that he was going down to see about some titles for Gen'l Vallejo. I then asked Mr. de la Rosa how he was getting along with the land titles; he said he thought he would be successful in getting his lands. He said that the Gen'l was indebted to him for all the lands that he had, even for that house, (pointing out a house of the General's in Sonoma.) I asked Don José de la Rosa in what manner the Gen'l was indebted to him. He said that by his (de la Rosa's) false swearing. I then asked Mr. de la Rosa if he was not afraid of the laws; he said he was not afraid of the laws as the way the Americans swore witnesses. I asked him then what he thought was the right way of swearing them. He said that by the priest with the Catholic cross. I told him, "you better look out Don Pepe, or you might be caught." He said he apprehended no danger. This was about all the conversation that I had with de la Rosa.

3d question. Did you ever hear either of the claimants in this

case threaten Rafael Giraldo if he dared to testify against them in this case? if yea, state when, where, and what was said on that occasion.

(Objected to by claimants' counsel.)

Answer. Last Thursday a week ago, as well as I can recollect, I went to Rafael Garcia's ranch to see Rafael Giraldo, whom I met there, and a gentleman by the name of Mr. Luco. A conversation took place that night between the said Giraldo and said Luco concerning some land titles; Giraldo said that Gen'l Vallejo had not treated him right about some land titles, and that he thought some other men had also something to do with him in the matter; then Mr. Luco said that if he, Giraldo, touched other people's feelings he might lose his hide. Said Rafael replied, I suppose that you (Luco) are interested with the Gen'l. Said Giraldo further said that the men with the Gen'l were great rascals; to which said Luco replied, that he did not care to see men rascals if they could carry it out. That was about the substance of the conversation.

Cross-examined by Claimants' Counsel.

1st question. State your occupation.

Answer. I am a farmer.

2d question. Under what claim or title do you hold your land?

Answer. I hold under a purchase made by Wm. Boggs; we have never drawn any papers concerning the land, and I do not know under what title he claims.

3d question. How long have you been in California?

Answer. About 18 months, as well as I can recollect.

4th question. Do you speak Spanish well?

Answer. Yes, sir, I believe I do.

5th question. Was any person present when you had the conversation with said José de la Rosa; if yea, who was it?

Answer. There was no one present.

6th question. Was not said José de la Rosa jesting when he spoke of swearing falsely?

Answer. I do not think he was.

7th question. Which one of the Lucos was it that had the conversation with said Giraldo concerning which you have testified?

Answer. I do not know his first name, but he is present; (and José Leandro Luco is pointed out as the person.)

8th question. Are you a member of the Settlers' League or Settlers' Union?

Answer. I am not.

Re-examined by U. S. Law Agent.

1st question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with each of their characters for

truth and veracity in the community in which they reside; if yea, what is it, good or bad; and judging from that character, would you believe either of them on oath?

Answer. I am acquainted with M. G. Vallejo and José de la Rosa, but very little with said Salvador. I am acquainted with the community in which they reside, and have heard a good deal said of their character with their own countrymen and other residents. The character of the said M. G. Vallejo and José de la Rosa is not good, as I have been told; and judging from that character, I would not believe either of them on oath. I know nothing of the reputation of said Salvador as aforesaid, except from hearsay, which in Sonoma is bad also. I have, however, no knowledge of his reputation in Napa, where I believe he resides.

Cross-examined by Claimants' Counsel.

1st question. Are you on terms of very intimate friendship with said José de la Rosa?

Answer. I cannot say that I am; I frequently see him and have coversation with him in Sonoma; about on the same terms as with other neighbors.

2d question. In the conversation which you have spoken, which took place at Rafael Garcia's, between said Guiraldo and one of the Lucos, did not said Guiraldo tell said Luco that he did not that said Luco had any business concerning lands in connection with Gen'l Vallejo and José de la Rosa?

Answer. I cannot say; I stepped out of the door during some of the conversation, and cannot state whether he said so or not. Mr. Garcia and Mr. Lorrain were present, and also a lawyer named James B. Southerd, of Petaluma, but said Southerd does not understand Spanish.

3d question. Is Guiraldo, of whom you have spoken, the same person who is giving testimony in this case to-day?

Answer. It is the same person.

(Signed) JAMES HOBBS.

Subscribed and sworn to before me this 18th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 19th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Herman Wohler.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 18th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners

to ascertain and settle the private land claims in said State, came Herman Wohler, a witness in behalf of the claimants, in case No. 813 on the docket, who, deing duly sworn, deposed as follows:

U. S. law agent present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is Herman Wohler; my age 30 years; my residence San Francisco.

Are you acquainted with M. G. Vallejo and Salvador Vallejo, and do you know their general character for truth and veracity; if yea, is it good or bad; and judging from that character, would you believe them under oath?

Answer. I am acquainted with them, and have known them since 1849. I know their general character for truth and veracity, and have had a good deal of business with them; their character as aforesaid is good, and from that character I would believe them under oath.

Cross-examined by U. S. Law Agent.

1st question. Have you ever lived in Sonoma?

Answer. I have not, but I have been there frequently.

2d question. Is it not generally believed here that said Gen'l Vallejo swore falsely in reference to a certain line, known as the Vallejo line?

Answer. I have heard it so said, but I do not believe he did; what the general belief is I do not know.

3d question. Do you believe that Mission creek is at the point where said Vallejo testified it was?

Answer. I have no belief about it.

(Signed) HERMAN WOHLER.

Subscribed and sworn to before me this 18th day of June, A. D. 1855.

4th question. Is not the testimony you have given of said Vallejo's character drawn from your personal intercourse with him and business transactions?

Answer. It is. I have never heard anything said against his character.

(Objected to by claimants' counsel.)

(Signed) HERMAN WOHLER.

Subscribed and sworn to before me this 18th day of June, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 19th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Rafael Guirado.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 18th*, 1855.

This day came before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, Rafael Guirado, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

Claimants' counsel is present.

Questions by Mr. McKune, U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Rafael Guirado; my age 55 years; and I reside in Los Angeles, California.

2d question. Are you acquainted with J. M. Luco and José L. Luco, claimants in this case, and with José de la Rosa, Mariano G. Vallejo and Salvador Vallejo, witnesses herein? If yea, state how long and how intimately you have known each.

Answer. I know two persons called Luco by sight, but cannot distinguish them by name, and I know them to be the claimants of the rancho called Julpinas; I am, and have been, acquainted with the said Mariano G. Vallejo, Salvador Vallejo, and José de la Rosa for many years; my acquaintance with all of them has been intimate, and particularly so with General M. G. Vallejo, for the last two years, living in his house and keeping the keys of his office.

3d question. Were you, in the year 1853, present at a conversation between said persons relative to the grant of the land claimed in this case, called Julpinas? If yea, state when, where, and in whose presence such conversation took place; state also all you recollect of said conversation, its purposes and results.

Answer. In the month of July or August, 1853, about 9 or 10 o'clock a. m., Don José de la Rosa came to the house of Gen'l Vallejo in company with the Messrs. Luco and Don Salvador Vallejo. They entered the house through the zaguan to the court, and the said José de la Rosa saluted me as he went in, and he asked me if I had an indito or boy whom you will do me the favor to send to the Casa del Pabillon, where Gen'l Vallejo resides, to call him, because I and these gentlemen have a very important affair of business for him, and it is necessary that he come. I responded to the said Rosa that I had neither an indito nor a boy; if you and the gentlemen want Gen'l Vallejo, seek whom to send for him. He then bid me good morning, and they left. About two hours after this, Gen'l Vallejo arrived on his horse, Alazan Pinto, and saluted me, and asked me for the key to his office, which I gave him; after I gave him the key I went out with him

through the said zaguan, and saw outside the Messrs. Lucos, Salvador Vallejo, *and Salvador Vallejo*, and José de la Rosa. They all entered the office of the General. About one hour afterwards, the General, from a necessity of nature, came out of his office and went to the garden; when he returned he said to me that he was doing business with the said gentlemen in his office. He passed through the first room of the office into the next and closed the door, I following after him and remaining in the said first room, where I overheard what passed between him and the other persons aforesaid in the said next room of his office. As we entered the frant room I saw the said persons seated around the table in the other. I then placed myself at the door opening from the one room to the other, and heard them discussing the subject of settling a ranch called Julpinas, in company. Some of them said, we will put on the said rancho so many cattle; others said, horses; and Don José de la Rosa said that he would enter with his title to the said rancho which had been granted to him. They were thus making propositions, and I heard Gen'l Vallejo say that he would put on the said rancho three hundred mares to poblar the sitio of Julpinas. They were there some four or five hours; they left, and Gen'l Vallejo mounted his horse and left also. The next day, about 10 o'clock a. m., the General returned in company with all of the aforesaid persons. They again entered the said office where they had been the day previous, where they again remained probably longer than on the previous day, treating of the said business, when all of the said persons, except Gen'l Vallejo, left, and the General came to where I was and asked me for his horse, when he said to me, I am transacting an important business with these persons, and asked me if I had heard anything; I told him I had; between you and me the General said nothing should be concealed, for which I thanked him for the confidence he reposed in me. He said to me, this plan is in this wise: The title, he said, we have made in the name of the said Rosa; the title supposes a certain amount due the said Rosa for services as printer for the government at Monterey, and to him the grant is made from that period; he said my brother Salvador, as he is an hombre que se mete por aqui y se sale por alla al uno le arrebata al otres le rasguna y al otro lejala, (a man who meddles here and there; from one he snatches, another scratches, and another drags.) He went to Los Angeles and succeeded in obtaining the signature to this title of Pio Pico. He said, that for his part he entered with a number, 300 or 400 mares, and I saw the said mares, "ventiadas," and I saw them (the said mares) delivered to one of the said Lucos, but do not remember which of them. I said to the General that the title was false, ("falso.") He answered, I know it, but it is in this way planned, and he said, how can it be false? it has the signature of Pio Pico; it can be of no effect now, because I was in Los An-

geles when Pio Pico, being governor, in the year 1846, convened all the residents of said place, amongst whom I was one, and he said to us that he did not wish to compromise his authority, because he had not force, (trapa,) and that he was going to leave the Territory of California, and he left—I saw him depart. The Gen'l then said to me, the intention is to have money, (se a de mado que se presente,) regardless of the manner of acquiring it. I then told him that in time these things may be discovered, for they are (nulas) worthless; to which he replied, that in that case it would be diamond cut diamond. I told him I did not understand this expression, as I did not. Then, said he, I wish to say to you that if there are six or seven or more persons who say that the title to (que decum que al titulo de) Julpinas is nulo, I will bring ten or twelve to swear to the genuineness of it. He then mounted his horse and left. On the day following the last meeting of the said persons in the office of Gen'l Vallejo, the said José de la Rosa was passing by and saluted me. I said to him, Don Pepe, you now have a rancho; he responded, they say so. I told him again that I had heard it said that he had a rancho. He then pointed to the same house at which we were, and said that Gen'l Vallejo was indebted to him for this house. I then asked him if the "sitio" was large; he replied, that it is about 30 leagues; do you not know Julpinas? I told him I did. He said he had been offered thousands for this title, but he did not say by whom. He then departed. I saw him a few days afterwards and asked him how he got along with his title to the ranch, and he said Don Salvador Vallejo had snatched the title from him, and had given him one thousand dollars for it.

(2d question and answer objected to by claimants' counsel.)

Cross-examined by Mr. Jones for Claimants.

1st question. In what capacity were you employed by Gen'l Vallejo, and how long did you continue in his service, and when did he dismiss you?

Answer. He gave me his garden and orchard in the halves for two years, and when he removed his family to the Casa del Pabillon he left me in charge of the other house and sundry interests. I was in his employ in this way from the 2d of May, 1853, to the 2d of February of the present year, when I left his house, and have not returned. When he left the house with his family he did not deliver me anything by a written instrument, but simply said to me, here is your house, and there your bed for you and your son; take care of my interest. He left in the house a piano, several trunks, paintings, and carriages, &c., and delivered to me all the keys of the house. He removed at intervals such things as he left without ever intimating to me that anything was missing.

through the said zaguan, and saw outside the Messrs. Lucos, Salvador Vallejo, *and Salvador Vallejo*, and José de la Rosa. They all entered the office of the General. About one hour afterwards, the General, from a necessity of nature, came out of his office and went to the garden; when he returned he said to me that he was doing business with the said gentlemen in his office. He passed through the first room of the office into the next and closed the door, I following after him and remaining in the said first room, where I overheard what passed between him and the other persons aforesaid in the said next room of his office. As we entered the frant room I saw the said persons seated around the table in the other. I then placed myself at the door opening from the one room to the other, and heard them discussing the subject of settling a ranch called Julpinas, in company. Some of them said, we will put on the said rancho so many cattle; others said, horses; and Don José de la Rosa said that he would enter with his title to the said rancho which had been granted to him. They were thus making propositions, and I heard Gen'l Vallejo say that he would put on the said rancho three hundred mares to poblar the sitio of Julpinas. They were there some four or five hours; they left, and Gen'l Vallejo mounted his horse and left also. The next day, about 10 o'clock a. m., the General returned in company with all of the aforesaid persons. They again entered the said office where they had been the day previous, where they again remained probably longer than on the previous day, treating of the said business, when all of the said persons, except Gen'l Vallejo, left, and the General came to where I was and asked me for his horse, when he said to me, I am transacting an important business with these persons, and asked me if I had heard anything; I told him I had; between you and me the General said nothing should be concealed, for which I thanked him for the confidence he reposed in me. He said to me, this plan is in this wise: The title, he said, we have made in the name of the said Rosa; the title supposes a certain amount due the said Rosa for services as printer for the government at Monterey, and to him the grant is made from that period; he said my brother Salvador, as he is an hombre que se mete por aqui y se sale por alla al uno le arrebata al otres le rasguna y al otro lejala, (a man who meddles here and there; from one he snatches, another scratches, and another drags.) He went to Los Angeles and succeeded in obtaining the signature to this title of Pio Pico. He said, that for his part he entered with a number, 300 or 400 mares, and I saw the said mares, "ventiadas," and I saw them (the said mares) delivered to one of the said Lucos, but do not remember which of them. I said to the General that the title was false, ("falso.") He answered, I know it, but it is in this way planned, and he said, how can it be false? it has the signature of Pio Pico; it can be of no effect now, because I was in Los An-

geles when Pio Pico, being governor, in the year 1846, convened all the residents of said place, amongst whom I was one, and he said to us that he did not wish to compromise his authority, because he had not force, (trapa,) and that he was going to leave the Territory of California, and he left—I saw him depart. The Gen'l then said to me, the intention is to have money, (se a de mado que se presente,) regardless of the manner of acquiring it. I then told him that in time these things may be discovered, for they are (nulas) worthless; to which he replied, that in that case it would be diamond cut diamond. I told him I did not understand this expression, as I did not. Then, said he, I wish to say to you that if there are six or seven or more persons who say that the title to (que decum que al titulo de) Julpinas is nulo, I will bring ten or twelve to swear to the genuineness of it. He then mounted his horse and left. On the day following the last meeting of the said persons in the office of Gen'l Vallejo, the said José de la Rosa was passing by and saluted me. I said to him, Don Pepe, you now have a rancho; he responded, they say so. I told him again that I had heard it said that he had a rancho. He then pointed to the same house at which we were, and said that Gen'l Vallejo was indebted to him for this house. I then asked him if the "sitio" was large; he replied, that it is about 30 leagues; do you not know Julpinas? I told him I did. He said he had been offered thousands for this title, but he did not say by whom. He then departed. I saw him a few days afterwards and asked him how he got along with his title to the ranch, and he said Don Salvador Vallejo had snatched the title from him, and had given him one thousand dollars for it.

(2d question and answer objected to by claimants' counsel.)

Cross-examined by Mr. Jones for Claimants.

1st question. In what capacity were you employed by Gen'l Vallejo, and how long did you continue in his service, and when did he dismiss you?

Answer. He gave me his garden and orchard in the halves for two years, and when he removed his family to the Casa del Pabillon he left me in charge of the other house and sundry interests. I was in his employ in this way from the 2d of May, 1853, to the 2d of February of the present year, when I left his house, and have not returned. When he left the house with his family he did not deliver me anything by a written instrument, but simply said to me, here is your house, and there your bed for you and your son; take care of my interest. He left in the house a piano, several trunks, paintings, and carriages, &c., and delivered to me all the keys of the house. He removed at intervals such things as he left without ever intimating to me that anything was missing.

2d question. Where did you go to when you left Gen'l Vallejo's service?

Answer. I went to the rancho of Rafael Garcia.

3d question. Why did Gen'l Vallejo dismiss you from his service?

Answer. He never dismissed me; I left of my own accord; nor did he wish me to leave him.

4th question. How long have you been in San Francisco, and how long was it after you left Gen'l Vallejo that you first came to San Francisco thereafter?

Answer. After I left the General I remained four or five days on the rancho of said Garcia, and then came to San Francisco, where I have remained ever since.

5th question. How much money had you when you arrived at San Francisco after leaving the rancho of Garcia as aforesaid, and how have you obtained money to pay your expenses since here?

Answer. When I arrived here I had 15 or $20; what expenses I have paid since here has been by money earned by my labor. I am in debt to two or three boarding-houses in town.

6th question. What have you been employed since you then arrived in San Francisco?

Answer. I have been employed in my business with persons from below, and selling some horses which I had on the other side of the bay. Two attorneys came from below and requested me to give my testimony in a case before this commission, and offered me money, on account of my son-in-law, or their own, to pay my expenses, and they gave some, with which I have been supporting myself. I am an honest man, and no one can say that I have ever robbed any one of a cent.

7th question. How many horses have you sold, to whom did you sell them, and to whom did they belong?

Answer. I sold two horses in the present month to a merchant in Petaluma; they belonged to me; I sold them saddled, with bridles and spurs, for $115.

8th question. Where did you get the said horses, saddles, bridles and spurs?

Answer. One I brought from Los Angeles, and the other was given to me by a Mr. Cooke at Sonoma for branding some horses of the Berreyesas' with the brand of Mr. Cooke.

9th question. Whose brand did the horses have which you brought from Los Angeles, and how long had you had the said horse?

Answer. He had the brand of Juan Ramirez and that of Pedro Dominguez; I had him in my possession from the time I left Los Angeles on the 12th of October, 1852, until I sold him.

10th question. Have you applied to Capt. J. B. Frisbie for money since you came to San Francisco in February last?

Answer. I have, and he did not give me any.

11th question. Did you not on that occasion say to Capt. Frisbie that money had been offered you to swear against Gen'l Vallejo; that you was poor, and must have money?

Answer. I never did say to *the* Frisbie that money had so been offered me, but I did tell him I was poor, and needed money, and asked him to lend me $100; I told him I had not a cent with which to buy a meal.

12th question. With whom did you first confer in regard to testifying in this case, and when and where?

Answer. With Dr. J. B. Caskerry about the first of this month.

13th question. Did Dr. Caskerry seek you, or did you seek him?

Answer. I met him at a hat store, or rather I went into the store while he was there to get a hat repaired, and he asked me if I knew anything about the rancho de Julpinas; I told him I did.

14th question. Did Dr. Caskerry give or offer you money, or has he since given you any, to induce you to testify in this case against Gen'l Vallejo?

Answer. He has neither offered me, nor have I received one cent from him for such purpose; he asked me if I would repeat what I knew; I told him yes; that it was true, and I would swear to it before God 70,000 times.

15th question. Has any person promised you any pecuniary consideration for giving your testimony in this case; if so, who?

Answer. No.

16th question. Have you asked any person for money in payment for swearing against Gen'l Vallejo; if so, from whom?

Answer. I have not.

17th question. How long since you bought the new suit of clothes which you now have on, and was it not bought with money you have received to testify in this case; if not, state whence you got the money?

Answer. I bought it yesterday with my own money, and not with such money as referred to in the question; I can show you where I bought the coat; I obtained the money from the sale of my horses as aforesaid.

18th question. How much of the aforesaid sum of $115 have you left?

Answer. Witness refuses to answer. You may send me to jail; I will not answer.

19th question. Were you in the habit of eavesdropping, and secretly listening to the conversations of Gen'l Vallejo?

Answer. I never was in such habit; what I have stated is what I know, and what he told me.

20th question. How long did you remain listening on the day which you have mentioned?

Answer. I do not remember; I was coming in and going out; it was in the room which I occupied.

21st question. Were you ever in the service of the United States quartermaster in California; if yea, where and when?

Answer. I came from San Pedro to San Francisco in 1846, aboard of the man-of-war Savannah, and was in the employ of such quartermaster here at San Francisco and at the Presidio, also as vaquero.

22d question. Did you not act as a spy in American army during the war against your own countrymen?

Answer. I did not. I was one night compelled by the Americans to go with an officer and some 14 soldiers to Mission Dolores, where they surprised the inhabitants and took a number of horses.

23d question. Why were you dismissed from the quartermaster's service?

Answer. I was never dismissed. I completed the term of my agreement and quit voluntarily.

24th question. While you were in the said employ, was a charge of stealing cattle or horses ever brought against you, and was not that the cause of your not being retained in the said service?

Answer. No, never. I had some horses stolen from me belonging to the U. S. government while I was so employed.

25th question. Are you acquainted with Antonio Lorrain, and have you not offered to swear as a witness in his behalf against Gen'l Vallejo in a certain suit, if he, the said Lorrain, would pay you the sum of $150 for your testimony?

Answer. I have known the said Lorrain for a short time. I have never made such an offer as referred to in the question to the said Lorrain.

26th question. Did you not then offer to *hear* such testimony for a less sum than $150, or for enough to pay for your support for a week?

Answer. I have never compromised myself with the said Lorrain in anything for money.

27th question. Have you not declared that you would swear in any case in which you could get an opportunity of being a witness, so as to oppose the interests and affect the reputation of Gen'l Vallejo?

Answer. I have not. What I have said is this, that if I am asked for the truth in regard to the affairs of Gen'l Vallejo, I will tell it, not because he is an enemy; and if he has done me any injury, God will judge him for it.

28th question. Have you not recently, on speaking of Gen'l Vallejo, used this expression, that you were bound to be revenged upon him, or words to that effect?

Answer. I have not. What I have said is, that if asked, I will tell the truth in relation to the affairs of Gen'l Vallejo. He is not my enemy. If he has done me an injury, God will judge him.

29th question. How long did you serve as a spy in the American army during the war against your own countrymen?

Answer. I have never been a spy.

30th question. Did you not give during the war important information to the American officers relative to the movements and operations of the Californians?

Answer. I did; because I had under my charge the horses of the government under securities.

32d question. Did you not place yourself under the protection of the American officers in the war, to avoid arrest by the Californians?

Answer. No.

(Signed) RAFAEL GUIRADO.

Subscribed and sworn to before me this 19th day of June, A. D. 1855.

(Signed) S. B. FARWELL.
Comm'r.

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Henry H. Haight.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 19th*, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, Henry H. Haight, a witness in behalf of the claimants, in case No. 813 on the docket, who being sworn, deposed as follows:

Questions by Mr. Marshall for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Henry H. Haight; my age 30 years; and I reside in San Francisco.

2d question. Look at the document marked "A. P. L.," exhibited to deposition of José Castro, Oct. 4th, 1854, and also to depo. of J. B. Alvarado on the same day, and state whether you have recently seen and examined in U. S. surveyor general's office for California, the original of which this purports to be a traced copy, and state whether you had previously seen said original; when, where, and under what circumstances.

Answer. I have examined said document; I have seen the original of that part of the document which extends in said traced copy now shown to me, from page four to page six, which is the grant of the portion I am positive; of the remaining portion I am not positive. The original document referred to I saw for the first

time in February or March, 1853, in my office in the California Exchange; I have also seen it recently, about three weeks ago, in the office of the U. S. surveyor general. The first time I saw said original, it was shown to me and Joseph B. Wells by the Messrs. Lucos, the claimants in this case, and Horace Hawes, as we were applied to to act as counsel and attorneys in behalf of said Lucos, to procure the confirmation of their title or possession of their land. When the said Lucos and Horace Hawes applied to me and said Wells, previous to our making a contract, I took some affidavits to satisfy myself of the genuineness of said grant; but afterwards Mr. Wells and myself disagreed with Mr. Hawes about the proposition of the fee which we were to have if retained, and I gave Mr. Hawes the affidavits which I had taken, telling him that he was welcome to them; afterwards said Lucos came again to me, and Mr. Wells and me were employed by them. We then took the affidavit of José M. Covarrubias, now filed in this case, and marked as Exhibit No. 1. to depo. of Henry H. Haight.

3d question. Were there any copies made in your office of said original document; if yea, how many?

Answer. Three or four copies were made; I cannot tell whether any of them are in my possession, as I have not examined my papers.

4th question. State why you and Mr. Wells finally discontinued to act as counsel for the said Lucos.

Answer. My impression is, that it was some matter connected with the fee. But still there was some idea on our part that the said Lucos would come back to us, and employ us, after *the* would get the affidavit of Pio Pico.

Cross-examined by the U. S. Law Agent.

1st question. About what time did the said Lucos come to you and Mr. Wells to employ you as counsel?

Answer. As well as I can recollect, I think it was in February, 1853.

2d question. Have you compared the document which you say you have recently seen in the U. S. surveyor general's office; and if not, might you not be deceived, or can you say positively that it is exactly the same?

Answer. I have not compared them, and I cannot say positively whether they were two documents exactly the same, or whether it is one and the same document, as I have not seen it from the spring of 1853 until I saw it in the surveyor general's office; my impression that the document which I have recently seen in the surveyor general's office is only a general one. There might be a difference in the phraseology which I could not detect.

3d question. When the affidavit which is now exhibited to this deposition, marked as "Exhibit No. 1" to deposition of Henry H.

Haight, was taken, did you *you* show to José Ma. Covarrubias the original grant, which you saw for the first time in 1853? if yea, state the circumstances.

Answer. As well as I can recollect, I think that said grant was shown to said Covarrubias when the affidavit was taken, and I think Covarrubias examined it.

4th question. Did the Lucos present that paper as their original grant, under which they claimed?

Answer. They did.

5th question. Are you acquainted with the signatures of Pio Pico, former governor of California, and José M. Covarrubias, and do you recognise the signatures on the document which you have recently seen in surveyor general's office, as the same which were on the document which you *seen* in 1853?

Answer. I am not acquainted with the signatures of Pio Pico, otherwise than by having seen what purports to be his signature on two or three grants; nor with the signature of José Ma. Covarrubias, except by its resemblance to his signature attached to the affidavit exhibited to this deposition. The signatures appear to me to be the same, but my knowledge of their handwriting is too limited to enable me to state positively.

6th question. Look at the document now shown to you marked W. B. F., annexed to the depo. of Horace Hawes, May 17th, 1855, before Commissioner R. Aug. Thompson in this case, and state whether it is an exact copy of the paper which the Lucos showed you in 1853 as their original grant.

Answer. I cannot state that it is an exact copy.

7th question. Look at the depo. of Horace Hawes, filed in this case May 17th, 1855, and state whether the document referred to therein, and the copy annexed thereto, is the same paper referred to by you in this deposition as the original grant of the Lucos in your possession in 1853.

Answer. The document referred to in Mr. Hawes' deposition is the same, I suppose, which was shown to me in 1853 by the Lucos, and heretofore referred to by me in this deposition.

Re-examined by Claimants' Counsel.

1st question. Did the original grant shown to you by the Lucos in 1853 have a seal?

Answer. I think it had a government seal, or what purported to be such.

2d question. Do you perceive any particulars in which the copy annexed to the deposition of Mr. Hawes differs from said original grant shown to you by the Lucos in 1853?

Answer. I think that the signatures of Covarrubias on this copy are not correctly copied.

3d question. When the Lucos presented said original grant to you in 1853, did they represent it as being their only title papers?

(3d question objected to by the law agent as leading.)

Answer. They did not; they said there were other papers which were in Mexico, and which they would endeavor to get.

Cross-examination resumed.

1st question. Did the Lucos state the matter contained in your last answer in the presence of Mr. Hawes, and did they state to you the character of those papers in Mexico; if yea, what was their import?

Answer. We had repeated conversations about these papers, at some of which I think Mr. Hawes must have been present, but of this I am not positive; I do not recollect of their stating anything about the character of those papers, further than that they constituted a portion of the original espediente.

(Signed) HENRY H. HAIGHT.

Sworn to and subscribed before me June 20th, 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Affidavit of Jose Ma. Covarrubias.

"Exhibit No. 1," to Deposition of Henry H. Haight.

STATE OF CALIFORNIA,
County of San Francisco, ss.

José M. Covarrubias, being duly sworn, says the original grant to him shown, and hereto attached, is in his handwriting; that at the time he wrote said grant he was the secretary of state for the department of the two Californias; that Don Pio Pico was at that time the governor of said two Californias; that his two signatures that are affixed to said grant are genuine, and were affixed thereto by himself; that he knows the handwriting of Governor Pico very well; that he has often seen him write, and that his signature affixed to said grant is genuine; that he, affiant, saw him place his signature to said grant; that the signature of him, the affiant, *were* placed to said grant at the time the grant bears date, to wit, the 4th of December, 1845, at the office of the secretary of state of said department, which was kept by affiant; that he, affiant, knew Don José de la Rosa at the time he applied for said grant, and that he, De la Rosa, then resided at Sonoma, in Upper California; that he was a printer *to* trade; that said grant is in the usual form in which grants of land in Upper California were made at the date of the same, and that is authenticated in the ordinary way of

authenticating grants of that day; that said grant was made out, signed, and authenticated at the city of Los Angeles; that said Don José de la Rosa was a Mexican citizen at the date of said grant.

That at the time De la Rosa applied for said grant, he presented to Governor Pico a written petition for said grant of land, but he, affiant, does not know where said petition now is; the practice with the office was to return the petition with the grant.

(Signed) JOSE MA. COVARRUBIAS.

Subscribed and sworn to before me, this 26th day of May, 1853.

(Signed) G. P. FORBES,

Notary Public in and for the County of San Francisco.

The law agent objects to the filing of this affidavit to prove signatures—

1st. Because there is no evidence that the paper of which it speaks is the one on which the claim is founded.

2d Because it is an ex parte affidavit taken without notice.

3d. For other reasons.

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John B. Frisbie.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 19th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came John B. Frisbie, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

U. S. law agent present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is John B. Frisbie; my age 31 years; and I reside in Vallejo.

2d question. Are you acquainted with Rafael Guirado; and if so, what is his character or reputation for truth and veracity in the community where he lives, or has lived, through general report; is it good or bad; and judging from such knowledge, would you believe him under oath?

Answer. I have been acquainted with said Guirado since the year 1847; at that time he was employed as a vaquero, to take charge of the government horses belonging to the post of San Francisco, which was a considerable portion of the time under my command. He remained in the employ of the government some

months and was finally discharged, through habits of intemperance, and was by many of the officers suspected of dishonesty. Many of the horses under his charge were lost, and it became necessary to substitute a more reliable man; his character has been uniformly bad, and I would not believe him under oath; I speak of his general character; he was an obscure man, and I have not heard others, to my recollection, except the officers referred to, speak particularly of his character until recently. Since his recent visit to San Francisco I have heard many of his countrymen speak of him as a bad and dangerous man. Some time during the latter part of February or early in March he came to me for money, saying that they were trying to get him to testify against Gen'l Vallejo, and that he had written to the General for money without success, and that he must have some, as he had no means of paying his board; that he could give his testimony in some case pending before the commission relative to land about the mission, and thought he could make some money out of that if he knew exactly what they wanted him to swear to. I dismissed him, without giving him any money, telling him that his conduct was improper. He left in anger, and that was the last interview I had with him.

Cross-examined by Law Agent.

1st question. What relationship do you sustain to Gen. Vallejo?

Answer. I am his son-in-law.

2d question. Name each person whom you have heard speak against the character of Rafael Guirado?

Answer. In 1847 the officers of the presidio, who were Dr. Parker, Lieut. Perle, Hubbard and Morrison, Capt. Dimmick, Major Hardie; his character with all the officers was bad, and was frequently spoken of by us, and I have little doubt that I heard all of those gentlemen speak of him. I cannot name any particular one, though I have heard various Californians speak of him, whose names I do not recollect.

3d question. State what each said and in what connection it was said, by which you inferred that the character of said Guirado was bad.

Answer. I cannot particularize; the officers said generally that he spirited away our horses for the purposes of getting a reward, and we were frequently compelled to pay the reward to get them.

4th question. When, where, and under what circumstances did Dr. Parker say anything against his character?

Answer. All these things were said in the presidio of San Francisco, or at the town of San Francisco, where we were stationed. There were men at each place.

5th question. Do you now recollect when, where, and under what circumstances Dr. Parker said anything against the character of said Guirado?

Answer. These conversations were general, as I before testified, and occurred in 1847. Of course, at this late period it is hardly possible to recollect more particularly than I have testified.

6th question. Are you unable to recollect the particulars of any conversation as to each one of those officers?

Answer. I can recollect that those conversations were general, as before stated, but as to each individual conversation with each individual named, I do not recollect.

7th question. Is what you have stated all you have heard; if nay, what else did you hear of him; when, by whom, and how was said Guirado dismissed?

Answer. I have heard Californians speak of him as having been a spy against them during the war with Mexico, and as being generally a bad man, and was not to be believed. In the year 1847, I think it was, I do not know by whom, whether by the commander of the garrison or by the quartermaster, that said Guirado was dismissed. The way that I know that he was dismissed is, that I was an officer at the said garrison at the time, and he was reported dismissed, and his substitute reported to the commanding officer.

8th question. How did the facts of which you have spoken come to your knowledge?

Answer. I have already stated.

9th question. Who made that return, and to whom was it made?

Answer. I presume that return was made by Quartermaster Sargent Bell, though I cannot speak positively as to that, but suppose it came through the regular course, *though* the quartermaster, and through said quartermaster to the commanding officer.

10th question. Was that report in writing; if yea, did you ever see it; if nay, through whom did you learn it?

Answer. It may have been in writing, or it may not have been. I was in the habit while I was in command to receive numerous reports daily, and cannot state how I became acquainted with the fact referred to, other than it was a notorious fact in said garrison, and that he left, and a man named Savage substituted.

11th question. How do you know that said Guirado did not leave of his own accord, or by reason of his term having expired for which he hired? State from whom you received your information.

Answer. I learned the fact from Guirado himself, who expressed regret at his leaving.

12th question. When, where, under what circumstances, and in whose presence was that regret expressed?

Answer. At the presidio of San Francisco, I think in 1847, about the time of said Guirado leaving, in presence of myself, and probably others, though I do not recollect.

13th question. How many horses were lost by means of his carelessness or incapacity?

Answer. I have no idea; I lost one of my own, which I bought of him.

14th question. In what respect was Guirado a dangerous man?

Answer. By the Californians, on account of his conduct during the war, he was regarded as a dangerous man. His general inclination was to falsehood.

15th question. Do you now recollect the name of any old Californians who have spoken against the character of Guirado; if nay, how does it happen you can recollect the Americans who have spoken against him, and not the Californias?

Answer. I remember that I heard Rafael Garcia; I heard a family by the name of Soto, who lived at the presidio, and I think Ramon Carrillo and Juan Padillo, I think in 1847; Francisco Sanchez, and perhaps others at the mission, among whom he was in bad repute.

16th question. Who employed said Guirado as a vaquero, and how do you know the fact that he was employed in that business, and how long do you know him to have been so employed?

Answer. My impression is, that he was employed by Lieut. Matseil, of the marines; I know that he was engaged in said business, and he could not have been there unless he had been employed; he was employed several months; I cannot say positively how.

17th question. When, how, and by whom was said Guirado discharged?

Answer. I have before stated.

18th question. What officer suspected said Guirado of dishonesty, and how do you know that fact?

Answer. All of them, I think, as I never heard any other expression, except perhaps from Lieut. Matsell, who first employed him, and I know from the facts I have already stated said Matsell shortly afterwards left San Francisco.

19th question. How long before he was dismissed did you hear of any suspicions against him?

Answer. It could not have been a very long time; when the complaints became general he was dismissed.

20th question. When did said Guirado come to you for money?

Answer. I have already stated in my direct examination that it was in the latter part of February or first of March of this present year.

21st question. Who commenced the conversations, and in whose presence was it?

Answer. He commenced the conversation in my presence.

2d question. How long did the conversation continue?

Answer. I did not take my watch to look; it was not a long conversation.

23d question. State the exact order of the conversation, as near as you can recollect—all that was said by you, as well as what was

said by Guirado, or the substance of the same, at the interview mentioned by you at the close of your examination in chief.

Answer. I do not recollect the order of said conversation; I have given substantially the conversation as it occurred.

24th question. In your answer to question 14 of the cross-interrogatories you say Guirado's general inclination was to falsehood; what falsehood did you ever know him to tell, and what falsehood have you heard of his telling?

Answer. I have known him to tell falsehoods relative to matters pertaining to the care of his horses; and on one occasion that I remember particularly, my reprimanding him for neglect for being away from the horses when he should have brought them up. He assigned as an excuse that he had been looking for the horses. I afterwards understood the truth to be that he had been at the mission on a spree. On another occasion he reported the Californians in the vicinity were organizing under Franco. Sanchez to make an attack upon the presidio. His report was investigated and found to be groundless. No other instances occur to me at this moment.

25th question. To whom did said Guirado make said report, and by whom and how was it investigated?

Answer. Said report was made either to Major Mardie or myself, I do not remember which; it was not investigated particularly; several officers of us were out to the mission, and finding things going on as usual we dismissed the matter.

26th question. How much land do you claim under Gen'l Vallejo, and how much under grants wherein he has been a witness; what is your estimate of the value of such land?

Answer. I claim a fifty vara lot in Sonoma, and a part of the town of Vallejo, embracing about three quarters of a league, and about 50 acres in the county of San Francisco. I do not claim an inch of land in any case in which he was a witness, unless he testified in the Potrero case. Upon reflection I recollect another case in which the General was a witness; it is the case of Juan José and Victor Castro for the sobrante, situated in Contra Costa Co.

27th question. Did you recently bring a suit against Francisco Sanchez in the district court of the 12th judicial district for the possession of lot No. 76, in the city of San Francisco, between Stockton and Dupont and Washington and Jackson streets; if yea, what is your deraignment of title as near as you can recollect?

Answer. I did not; I brought a suit to compel him to acknowledge a deed executed by him for that lot to a person named El Moro; said lot is in the possession of other parties. I claim title under the reputed wife of said El Moro; said lot was originally granted to said Sanchez, and we claim by Francisco Sanchez through El Moro, and the fact whether said Sanchez conveyed to El Moro was the matter in dispute.

28th question. Why was said suit dismissed?

Answer. The title-paper which was in the possession of Mr. Botts, (and who was a co-defendant in said suit,) and which was the material point in said suit—said Botts consented that we should see said paper, and to hold it for the benefit of whom it might concern. The paper was not acknowledged, but my counsel conceived it to be sufficient to sustain our claim as it was.

29th question. From which wife do you claim title in said lot?

Answer. I refuse to answer any questions in this matter, inasmuch as it is an unadjudicated case, and that my interests may be prejudiced by so doing.

30th question. Are you personally acquainted with the wife of said El Moro, through whom you claim title?

Answer. I am.

31st question. When and where did you first become acquainted with her?

Answer. In Sonoma in 1848.

32d question. What was her age then, so far as you could ascertain?

Answer. I cannot say precisely; she is probably between 30 and 40, perhaps 40.

33d question. When did you make purchase of said lot?

Answer. As to this matter, for the reasons that I have stated in answer to quest. 29, I decline answering.

34th question. Did you examine the deraignment of title before purchasing?

Answer. I decline answering for the same reason.

(Signed) JOHN B. FRISBIE.

Sworn to and subscribed before me June 20th, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of A. Lorrain.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 19th,* 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came A. Lorrain, a witness in behalf of the claimants in case No. 813 on the docket, who, being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Antonio Lorrain; my age is 30 years; and I reside in the city of San Francisco.

2d question. Are you acquainted with Rafael Guirado; if yea, how long, and do you know his reputation for truth and veracity where he lives or has lived; is it good or bad; and judging from such general report, or your own personal knowledge, would you believe him under oath?

Answer. I have known the said Guirado some three or four months; I have understood his reputation for truth and veracity in the neighborhood where he has lived to be bad, and I therefrom would not believe him under oath.

3d question. Do you know whether the said Guirado is friendly or unfriendly to Gen'l Vallejo; if yea, how do you know it? give your reasons.

Answer. I know that he is unfriendly because he has told me so himself in the presence of several persons, and that in any case in which he should have anything to do in the way of testimony against the reputation of Gen'l Vallejo, or against his interest, he would give such testimony because he desired to revenge himself.

4th question. Did Guirado ever speak to you about bearing testimony against Gen'l Vallejo?

Answer. He has; he told me that if I would pay him and give what was necessary for his support he would become a witness for me in a certain case which I have pending with Gen'l Vallejo, being present other persons when he told me so.

5th question. Have you ever heard Guirado utter threats against Gen'l Vallejo?

Answer. I have already said that I heard him say he desired to revenge himself, and he told me he was coming to San Francisco for that purpose, and that he would never leave California until he had accomplished it.

6th question. Did the said Guirado ever ask you for any specific sum of money when he offered to testify against Gen'l Vallejo in your said case against the General?

Answer. He did; at first $150 to pay his expenses, and afterwards $50; I did not give it to him; I gave him nothing.

7th question. Is the reputation of said Guirado bad only with respect to truth and veracity, or is it so in other things; and if yea, in what respect?

Answer. It is bad in other things; he is a "picaro," (rascal,) according to general report.

Cross-examined by the U. S. Law Agent.

1st question. How long have you resided in California, where, and in what have you been engaged?

Answer. I have lived in California six years, part of the time in

San Francisco and part in San José, and have been, and am now, engaged in the mercantile business.

2d question. Please state the name of each person, when, where, and under what circumstances you have heard them speak unfavorably of the character of said Guirado for truth and veracity.

Answer. I have heard Rafael Garcia and his family so speak of him on their rancho (Baulenes y Tamales,) at intervals, for the last few months, and they so speak of him because they consider him a rascal, and I have heard all of the neighbors of the said rancho speak of him in the same manner, whose name are one Estanislando, Rafael Rivera Ambrosia, the family of Briones, Westcott and family, Mr. Weston, Billy Sawyer and family, and in the pueblos other persons who knew him, Guirado; I cannot say that I have heard every member of the families aforesaid speak of him, but generally.

3d question. What did each one of the persons you have enumerated say in relation to the said Guirado; when was it, where, and in whose presence?

Answer. At different times, when at the house of the said Garcia, and at other places, I have heard the said persons speak disreputably of the character of Guirado, because he had taken from said Garcia and ruined his family; this is the general charge against him amongst the people aforesaid, and whom I have heard speak of him.

4th question. When, where, and in whose presence did the said Guirado tell you what you have sated he did in your answer to the 3d question herein?

Answer. He has told me so in San Francisco in the presence of Don Andres Pico, the two Señores Luco, within the last two or three months, and about 13 or 14 days ago in the presence of the family of the said Garcia, Don Javid, Don Ambrosio, Don Estanislado, Don Leandro Luco, and others whose names I cannot now mention, except Mr. Hobbs, who gave his testimony in this case, at the said "rancho de Baulenes y Tamales;" and on various other occasions, in presence of sundry persons whose names I do not remember, he has told me the same, and always in general conversation, and that he desired to vengarse (revenge) himself on the said Vallejo and his family.

5th question. Did the said Guirado state the same in the same words on each of the occasions in which you heard him say what you have related?

Answer. He always said he desired to revenge himself upon Vallejo, and sometimes he used other different words, but generally conveyed the same idea.

6th question. What words did he use on each occasion?

Answer. The conversations were so many that I do not preserve in my memory more than the idea which he conveyed to me, and

he always used the word vengarse y arruinarlo (revenge himself and ruin him.)

7th question. How many times have you so heard him use the said words "vengarse y arruinarlo?"

Answer. I have heard him use them a great many times; about 18 or 19 years ago he was on the said rancho de Baulenas, where I had a great deal of conversation with him relative to Gen'l Vallejo during three or four days, and it would be impossible for me to say how many times exactly, or even approximate.

8th question. When did he first state that fact? and state what conversations led to it to your knowledge.

Answer. I think it was on the 3d or 4th day of this month that he used the said words, and offered himself to me as a good witness in my cause with Vallejo, as he had promised me two or three months previously.

9th question. How did it happen; when, where, and in what conversation did he tell you he would be a good witness for you against Gen'l Vallejo?

Answer. At the St. Francis Hotel, in San Francisco, two or three months ago; it happened because the said Guirado solicited Don Andres Pico to effect an interview between him and me, because he, Guirado, desired to serve me as a witness against Vallejo; I was so notified by the said Andres Pico, and went to the said hotel to see said Guirado, and in conversation with him relative to my said suit pending with Gen'l Vallejo, he so offered to become my witness, and also then and there asked me for money.

10th question. How do you know that Guirado solicited Andres Pico to effect an interview between you and him?

Answer. Don Andres Pico so informed me; and in the interview referred to, Guirado said that it was true, (cierlo.)

11th question. How did it happen he told you it was true?

Answer. It happened in the introduction to the conversation; I told him it was not necessary that he should have seen Andres Pico, and he remarked that he had thus thought it best to proceed.

12th question. When did you first become acquainted with Rafael Garcia, and what business transactions have you had with him since?

Answer. I first became acquainted with him in January of the present year; I am his general agent.

13th question. On what business were you at his (Garcia's) rancho, when you had the conversation with Guirado? state the business you then transacted at that visit.

Answer. I went there to arrange matters to "tomar mi pader," to get my power of attorney from Garcia.

14th question. Who drew the power of attorney?

Answer. Messrs. Brocken and Groat, my attorneys,

15th question. What is the date of said power of attorney?

Answer. It is dated February 24th, 1855.

16th question. Were these conversations had before or after you received said power of attorney?

Answer. After I received my power of attorney aforesaid.

17th question. Where is your present place of business?

Answer. I live on the corner of Montgomery and Pacific streets.

18th question. What interest, if any, has Gen'l Vallejo in the confirmation of this case?

Answer. I do not know whether he has any or not; he has told me he had none; as also the Lucos have told me.

19th question. How are you and the Messrs. Luco connected in business with regard to the rancho "Lup Yomi?"

Answer. I have no business in connection with the said Lucos in any company business, nor do I know anything of the said rancho.

20th question. Have the said Lucos proposed to purchase any interest in the said rancho Lup Yomi?

Answer. They have not so far as I know; I do not know said rancho.

21st question. Have you, as said attorney for said Garcia, any control of any rancho or land at Mendocino; if yea, what?

Answer. In virtue of said power of attorney, I have the control of a rancho at Mendocino; I call it "rancho del Norte," as it is No. 113 on the docket of this commission.

22d question. Has there been any business between as the said attorney and the said Lucos with reference to the said rancho del Norte; if yea, what?

Answer. There has been none.

23d question. What connection has Gen'l Vallejo with that rancho?

Answer. There is a deed of sale in the recorder's office of Mendocino county at Santa Rosa, made by the said Guirado to Don Guadalupe Vallejo, of the said rancho.

24th question. Was it not with the view of setting aside that deed of sale that you sought an interview with said Guirado?

Answer. No; it was for the purpose of getting him to explain the rascality which he had practised, and the manner in which he effected it; at the same time I told Guirado that I was willing to give $3,000 to any who would restore the said rancho to the family of the said Garcia without a suit.

25th question. Who was the original grantee of said rancho?

Answer. Rafael Garcia was.

26th question. How did it happen that you were selected as the said attorney of the said Garcia?

Answer. I do not know when he made it; he probably had confidence in me.

27th question. Did you take measures to obtain that power of attorney, or was it tendered to you?

Answer. I did not seek the said power of attorney; it was offered me by Garcia.

(Signed) A. LORRAIN.

Subscribed and sworn to before me, this 20th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Parrott.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 20th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came John Parrott, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is John Parrott, my age 44 years, and I reside in San Francisco.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa; and do you know from general report their character and reputation for truth and veracity in the community where they reside? If yea, is it good or bad; and, judging from such knowledge, would you believe them on oath?

Answer. I have known Gen'l Vallejo intimately ever since 1849; he has been looked upon by me as a gentleman of undoubted veracity and truth; I should believe him either on oath or otherwise. Salvador Vallejo and José de la Rosa I am not acquainted with as well—only know them by sight and from general report; I consider them entitled to full faith and credit.

U. S. law agent declines cross-examination.

(Signed) JOHN PARROTT.

Sworn to and subscribed before me this 20th June, 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Emetrio Jose Gonzales.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 20th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to

ascertain and settle the private land claims in said State, came Emetrio José Gonzales, a witness in behalf of the claimants in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The law agent is present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is Emetrio José Gonzales; my age 36 years; and I reside in San Francisco, Cal.

2d question. Are you acquainted with Rafael Guirado; if yea, do you know, from general report, his character for truth and veracity in the community where he resides; is it good or bad; and would , from such knowledge of his character, believe him under oath?

Answer. I have known said Guirado by reputation since about four months; personally, I was only acquainted with him yesterday; I have been to Marin county and Napa very frequently within these four months, and whilst in those places I have heard many persons speaking about the said Rafael Guirado, which persons give the said Guirado a bad character for truth and veracity; from such public reputation, I would not believe the said Guirado under oath.

Cross-examined by U. S. Law Agent.

1st question. What persons have you heard speak derogatory to the character of said Guirado; when, where, and what has each of them said in relation to his character?

Answer. At the rancho of Rafael Garcia I have heard said Garcia, his wife, and Juan and José Garcia, speak of the character of said Guirado; I have also heard it spoken of at San Rafael by several Americans whose names I have had no curiosity to know. I have heard the same opinion expressed by several persons at Sancelito, at the rancho Ruso, and several other places in that neighborhood, but it is impossible for me to mention the names of each, as I had no interest at the time in knowing them. I cannot give the precise words which I have heard, but the substance is, that Guirado's character was bad, and was no man of truth, and not worthy of credit; I cannot remember now the names of the persons whom I have heard thus speak of said Guirado; I only remember one Joseph, an Italian, in San Rafael, and Mr. Richardson in Sancelito.

2d question. What has been your business or occupation for the last few years, and what is it at present?

Answer. I have been employed in various occupations since 1849, that I came to this country; I have been at the mines; at times I have traded with merchandise; and I now keep a hotel or boarding-house on Jackson street, in this city, between Kearney and Dupont streets.

3d question. What class of persons frequent your boarding-house?

Answer. Every one who has a right to come into a boarding-house—Spaniards, Americans, French and others; Chinamen do not come in because they do not relish Spanish cookery; I cannot name any American or other person who comes into my house, as every one who eats there pays by the meal; I take no interest in knowing the name of any one.

(Signed) EMETRIO JÉ. GONZALES.

Sworn to and subscribed before me June 20th, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Secretary.*

Deposition of Rafael Rivera.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 20th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Rafael Rivera, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

Law agent present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is Rafael Rivera; my age about 38 years; and I reside at Tamales, California.

2d question. Are you acquainted with Rafael Guirado; if yea, do you know from general report his character for truth and veracity in the community where he resides; is it good or bad; and would you from such knowledge of his character believe him under oath?

Answer. I have known said Guirado personally for about 7 or 8 months; I cannot tell what the general report is of his character for truth and veracity, but from some transactions which I have had with said Guirado, my opinion is that his character for truth and veracity is bad, and I would not believe him under oath.

(Answer to 2d question objected to, because witness does not know the general reputation of Guirado.)

3d question. Were you present about ten days ago at Rafael Garcia's ranch, when a conversation took place between said Guirado and José Leandro Luco? if yea, state what you heard said Guirado say, if anything, in relation to his knowledge of any connection between the Lucos, the claimants in this case, and Gen'l M. G. Vallejo, in matter pertaining to land titles.

Answer. I was not present at such conversation.

4th question. Did you ever hear said Guirado express his feelings towards Gen'l Vallejo; if yea, what did he say?

Answer. Guirado has expressed his feelings towards Gen'l Vallejo; he has told me that he would always be against said Vallejo, and opposed to him in whatever manner he could, because said Vallejo had injured him in the sale of the ranch of Rafael Garcia; that he would be against said Vallejo to revenge himself, and that whenever opportunity would offer he would testify against Vallejo.

Cross-examined by the U. S. Law Agent.

1st question. On what occasion did Guirado state to you as you testified in answer to question fourth in the examination in chief?

Answer. It was about three weeks ago, more or less, at Rafael Garcia's ranch.

2d question. Who was present when Guirado told you this?

Answer. We were alone.

(Signed) RAFAEL RIVERA.

Sworn to and subscribed before me, June 20th, 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 20th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. W. Osborne.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 20th,* 1855.

This day, before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, J. W. Osborne, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

The law agent is present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is J. W. Osborne; my age 37 years; and I reside in Napa.

2d question. Are you acquainted with Gen'l Mariano G. Vallejo, Salvador Vallejo and José de la Rosa; if yea, do you from general report know their character and reputation for truth and veracity in the community where they reside; is it good or bad; and judging from such knowledge, would you believe them under oath?

Answer. I am acquainted with M. G. and S. Vallejo personally; with José de la Rosa I have no personal acquaintance. M. G. Vallejo I have known about four years, he bearing the character

of a high-minded, honorable man. I would believe his word or oath. Salvador Vallejo I would believe on oath. I have heard him lightly spoken of, but generally by those who are apt to consider Californians have little right either to property or character. A residence of four years in his neighborhood has given me the belief he deals and acts fairly when he himself is fairly understood. Of José de la Rosa, as before said, I have not personal acquaintance; but I have always heard him spoken of as a good old man, of honorable character. I would believe him on oath. I would believe them under oath, both from the general report of their characters and from my own personal knowledge.

Cross-examined by U. S. Law Agent.

1st question. Have you heard the character of either of them lightly spoken of for truth and veracity?

Answer. I have not, except Salvador Vallejo, of whom I have already spoken above.

(Signed) J. W. OSBORNE.

Sworn to and subscribed before me this 20th June, 1855.

(Signed) S. B. FARWELL,
Commissioner.

Filed in office June 20th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Tonvio Fanfaran.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 22d*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, Tonvio Fanfaran, a witness in behalf of the U. S. in case No. 813 on the docket, who being duly sworn, deposed as follows:

Questions by Mr. Caskery for U. S. Law Agent.

Claimants' counsel present.

1st question. What is your name, age, and place of residence?

Answer. My name is Tonvio Fanfaran; my age 30 years; and I reside in the Mission Dolores.

2d question. Are you acquainted with Rafael Guirado; if yea, how long have you known him? State where you first became acquainted with him, his reputation for truth and veracity, where he has resided, and generally all you know of him.

Answer. I am acquainted with said Guirado. I have known him since 1846. I first became acquainted with him in the presidio of San Francisco. He was always an honored man in the community where he resided. His reputation for truth and ve-

racity was always good. What I know of him is, that he kept himself always steady at work, and is the right kind of a man.

3d question. State whether or not you were in the American service, and knew from such fact or otherwise his reputation for truth, veracity, and honor, while he was in the employ of the army; whether or not he was honorably discharged.

Answer. I was in the army at the time said Guirado was employed as vaquero. His reputation for truth and veracity, and honor, while he was so employed, was always good, and when his time was out he left.

4th question. Was you or not intimately acquainted with said Guirado during the time you have spoken of or during your acquaintance with him; if yea, if there had been reports in circulation giving him a bad reputation of any kind, would you or not likely have heard it?

(Objected to as leading by claimants' counsel.)

Answer. I am intimately acquainted with said Guirado. I never heard anything said against his character at all.

5th question. Who was hired in the place of Guirado, after he left the service of the army?

Answer. Said Guirado continued to live about the city about a month after he left the service, and I frequently saw him here in Mr. Howard's store.

6th question. Have you known said Guirado ever since that time? What has been his reputation for truth and veracity in the community in which has resided—good or bad? and would you, from his reputation as aforesaid, believe him under oath?

Answer. I have seen him two or three times since. His reputation for truth and veracity has been always good in the community, and from his reputation I would believe him under oath.

Cross-examined by Claimants' Counsel.

1st question. In what capacity did you serve in the American army in 1846?

Answer. I was a private soldier in a volunteer company, commanded by Capt. Smith, known as Jim Crow Smith.

2d question. What is your occupation now?

Answer. I have been watchman in the custom-house for two years, but the last two months I have been farming.

3d question. Under what title do you hold your land?

Answer. I squatted.

4th question. Was Capt. Smith's company stationed at San Francisco, or at the presidio, in 1846?

Answer. It was stationed at the barracks in town here.

5th question. Do you know where Guirado has lived since 1846?

Answer. I do not.

6th question. Do you know what his reputation has been in the community in which he has resided since 1846?

Answer. I have not heard anything of it at all.

7th question. When did you see said Guirado last?

Answer. I saw him this morning.

8th question. Did you see him about a month ago?

Answer. I did.

9th question. How do you know that Guirado served his time out when he left the service?

Answer. I saw him when he came to the barracks, and I asked him if he was going to work in the presidio, and he told me no. That is all I know of it.

10th question. For how long a time did you know him in 1846?

Answer. I cannot say.

(Signed) TANVIO FANFARAN.

Subscribed and sworn to before me, this 22d June, 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 22d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John A. Bartlett.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 23d*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came John A. Bartlett, a witness in behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by Judge Bryan, for Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is John Bartlett; my age 27 years; and I reside in Sonoma.

2d question. Are you acquainted with Rafael Guirado, and with his reputation for truth and veracity in the community in which he has resided; if yea, how long have you known him, and what is his reputation in the community for truth and veracity, good or bad; and judging from that reputation, would you believe him under oath?

Answer. I am acquainted with said Guirado, and I am acquainted with his reputation for truth and veracity in the community in which he has resided; I have known him two years or thereabouts; his reputation for truth and veracity as aforesaid is very

good; I have never heard any person speak against him or deny his word; and judging from that reputation, I would believe him under oath.

3d question. Was he in the employ of Gen'l Vallejo, and had he the charge of his vineyard and buildings at said Vallejo's residence; if yea, from whom did you derive your information?

Answer. Said Guirado was in the employ of said Vallejo, and he had the charge of said Vallejo's residence at the plaza, in Sonoma, and he had charge of the little yard to the back of it, in which there are vines and pear trees; I derive my information from said Guirado and from said Vallejo, who told me that he had charge of the place.

4th question. How did said Vallejo come to inform you of it?

Answer. One afternoon I felt that I could eat some pears, and I went in and took some; and afterwards I went to go again, and said Guirado stopped me, and told me that he had charge of the place, and picked up a sabre or cutlass, and I told him that if he had said so I would not have attempted to go in. Afterwards Vallejo told me that when I wanted some I should come to him, and that said Guirado had charge of the fruit, so that he would tell Rafael to let me have it.

5th question. What was your occupation at that time?

Answer. I was teaming and ploughing for Gen'l Vallejo.

6th question. Are you acquainted with Gen'l Vallejo; if yea, how long?

Answer. I am, and have been since 1849.

7th question. How long have you worked for him?

Answer. Eight or nine months altogether.

8th question. What is the reputation of said Vallejo for truth and veracity?

Answer. When I first became acquainted with him it was very good, but here lately it is not good ; indeed I doubt it myself.

9th question. Would you believe him under oath?

Answer. I would not.

10th question. Are you acquainted with Salvador Vallejo; if yea, how long have you been acquainted with him? Do you know his reputation for truth and veracity in the community where he resides; if yea, is it good or bad; and judging from that reputation, would you believe him under oath?

Answer. I am acquainted with him, and have been since 1849. I never had business with him at all; from what I heard speak of him, some speak well of him, and some do not. I would not like to say whether or not I would believe him under oath.

Cross-examined by Claimants' Counsel.

1st question. What is your present occupation?

Answer. Nothing of importance just now.

2d question. Did Gen'l Vallejo reside in Sonoma at the time Guirado had charge of the house?

Answer. He did not; he resided in a cottage outside; I moved his things myself.

3d question. Where does Guirado reside in California?

Answer. I do not know where he resides at present.

4th question. How long since you saw Guirado in San Francisco?

Answer. Some two or three weeks back I met him here in a little rookery or boarding-house?

5th question. Did you ever hear any one speak of his character for truth and veracity in Sonoma?

Answer. I do not believe that I ever did, although I can give the opinion of the people there.

6th question. Who did you ever speak of Gen'l Vallejo's character for truth and veracity?

Answer. Several; I cannot state any in particular.

7th question. Have you ever had any quarrel with said Vallejo?

Answer. Once; I had the first time I lived with him.

8th question. Do you talk Spanish?

Answer. Very little, indeed; I can understand more than I can speak.

9th question. Does Guirado speak English?

Answer. I do not think he does; not to my knowledge.

10th question Did you come to San Francisco for the purpose of testifying in this case?

Answer. I did not.

(Signed) JOHN A. BARTLETT.

Subscribed and sworn to before me this 23d June, 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 23d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of D. O. Shattuck.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 24th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came D. O. Shattuck, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by Mr. Caskery, for Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is D. O. Shattuck; my age 55 years; and I reside in San Francisco.

2d question. Are you acquainted with Rafael Guirado, and with his character for truth and veracity in the community in which he has resided; if yea, how long have you known him; what is his character as aforesaid, good or bad; and judging from that character, would you believe him under oath?

Answer. I am acquainted with him slightly; he talks Spanish and English, and our acquaintance is not very extensive. I have known him thus far; I have known him as the custodian of Gen'l Vallejo's grounds and property, and I do not know that I am acquainted with his general character, but those who have spoken of him to me have spoken well of him; and I never heard his character brought in question in Sonoma, but in this city within the last few days I have heard him spoken of since his deposition was taken. I believe I have known him two or three years. I heard some one speak of his testimony here, and that he did not believe it. Acting on the general principle that a man is innocent until he is proved guilty (and, as I have before stated, I do not know his general character,) I would believe him under oath. Everything that I have heard of him was favorable to him in Sonoma, but I do not know his character as well as some others.

Counsel for claimants decline cross-examination.

(Signed) D. O. SHATTUCK.

Subscribed and sworn to before me this 25th June, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 25th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Frank W. Shattuck.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June* 24, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Frank W. Shattuck, a witness on behalf of the United States in case No. 813 on the docket, who being sworn, deposed as follows:

Questions by Mr. Caskery, for Law Agent.

Claimants' counsel is present.

1st question. What is your name, age, and place of residence, and where have you resided?

Answer. My name is Frank W. Shattuck; my age is 27 years; and I reside in San Francisco, and have resided in Sonoma.

4612

2d question. Are you acquainted with Rafael Guirado, and with his character for truth and veracity in the community in which he has resided? If yea, how long have you known him, and what is his character as aforesaid, good or bad; and judging from that character, would you believe him under oath?

Answer. I know a man whose name I believe is Rafael Guirado, and up to the first of February last, when I left Sonoma county, I was acquainted with his character for truth and veracity; I have known him for a year; I never heard his character as aforesaid questioned until a few days past, since he gave his testimony in this case; and judging from that character, I would believe him under oath.

3d question. Who was it that you heard speak of his character?

Answer. I only heard that they were introducing persons here to impeach his character; the persons who spoke to me on this subject were just mentioning the fact.

The counsel for the claimants declines cross-examination.

(Signed) FRANK W. SHATTUCK.

Subscribed and sworn to before me this 25th June, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 25th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Martin E. Cook.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 25th*, 1855.

This day, before Commissioner R. Aug. Thompson, came Martin E. Cook, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

Mr. Caskery appears for law agent.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is Martin E. Cook; my age is about 30 years; and I reside in Sonoma.

2d question. Are you acquainted with Gen'l M. G. Vallejo and José de la Rosa? If yea, how long have you known them, and are you acquainted with their general character for truth and veracity; and judging from what you know of said character, would you believe them under oath? State what you know of their character from personal knowledge and from general report.

Answer. I am acquainted with them, and I have known them since 1850, (early in that year.) I am acquainted with their gen-

eral character for truth and veracity; and judging from what I know of said character, I would believe them under oath.

I know said de la Rosa very well. I believe in the community his reputation for truth and veracity is as good as the majority of the citizens of Sonoma; I do not believe he would commit perjury. I know Gen'l Vallejo intimately, have been his legal adviser, and have done his business for the last four years in Sonoma, and from my intimate acquaintance with him I believe him to be incapable of swearing falsely. In all my intercourse in society I have never met a more truthful and honorable man; he is scrupulous about performing his agreements and keeping his word. Since this endeavor to impeach his character I have been in Sonoma, and have talked to some of the most prominent citizens of that town in regard to his character, and without exception the people regard this endeavor to impeach his character for truth and veracity as a cowardly attempt by designing men to wrong him. I would believe him as soon, if not sooner, than any man who has been sworn to impeach him, and I know the character of most of those who have testified against him.

3d question. Are you acquainted with Rafael Guirado? If yea, how long have you known him, and are you acquainted with his general character for truth and veracity; and judging from what you know of that character, would you believe him under oath? State what you know of his character from reputation.

Answer. I am acquainted with him, and have known him for more than two years; and I am acquainted with his general character for truth and veracity; and judging from that character, I would not believe him under oath, where he felt either interest or prejudice in the matter. His character from reputation is not good; I have heard his character for honesty and integrity called in question in regard to business matters, and I think he is not honest; I mean his general character for truth and veracity is bad. I have read the evidence of said Guirado in this case, as published in the newspapers; I believe he is actuated to give such evidence out of malicious motives against Gen'l Vallejo, for the reason, that previous to his leaving Sonoma Guirado came to my office and requested me to advise Gen'l Vallejo to give him a deed for some land in Mendocino county; he said he was very poor, and was too old to work as a vaquero any more. I asked him if the Gen'l owed him anything, and he said no. I said, then why do you want him to give you this land? He said the Gen'l had plenty of land, and that he could be of service to him. I supposed that this had reference to the Genl's affairs there, as he had been working for him as a servant, and I told him that the Gen'l was going to rent out his garden and vineyard, and I did not suppose would need him. He said, that is not what I mean; the Gen'l has not got his titles decided yet; I know a good deal of land titles here in California,

as I have been here a good while, and could be a good witness. I discovered his motives for having this conversation, and I told him that the evidence had all been taken in regard to titles, in which Gen'l Vallejo was interested *in*, and that the Gen'l did not want any such witnesses. He said that I should talk to the Gen'l about the matter, and advise him to give the land. I told him I should talk with the Gen'l, but should advise him to not give a foot of land. In a very significant manner he told me that the Gen'l had better give him a deed for the land, which I understood to be a threat. I afterwards saw said Vallejo, and told him of the conversation that I had with Guirado, and told him I thought that said Guirado felt inclined to be ugly. He replied, I am satisfied now that he is dishonest. (This took place some time in the fore part of last winter.) You know what return he has made of the produce of the garden and vineyard, and I thought there was something wrong then. I am satisfied now that he is a bad man. He shall not live with me any longer, and I will not give him a foot of land.

Afterwards, I reported this answer of Gen'l Vallejo to said Guirado, and he was very angry, and said that he would injure Gen'l Vallejo in every manner in his power. I am a poor man, but I will go to San Francisco and stay there, if I have to beg or steal money to keep me there; Gen'l Vallejo shan't get a title confirmed if I can prevent it; I will tell people that he is a scoundrel or villain, and I can injure him a great deal, and will do it, and I have a brave heart, (slapping his breast,) and can get revenge if I cannot get property out of Don Guadalupe.

4th question. Did you ever know of José de la Rosa claiming a ranch in Solano county, adjoining Baca's ranch? if yea, state when you first heard of his claiming said ranch.

(Objected to.)

Answer. I heard of it in 1850, when I procured a judgment against one Prudon in favor of Brunner, having learned that said Prudon had some land up near said Baca's ranch, and in investigating the subject to find out Prudon's title to the land, I learned that the land that I supposed belonged to Prudon was claimed by de la Rosa; I took considerable pains to inquire about this land, as the judgment I had amounted to about 4,000 dollars.

Cross-examined by Caskery for U. S. Law Agent.

1st question. Name the persons who have spoken of Guirado's character for truth and veracity as being had; state when, where, and under what circumstances they so spoke of it.

Answer. Rafael Garcia, a man named Henderson, (they live in Marin county;) a man named Westcott, one named Runnells, (they live in Marin county.) They spoke of it in connection with business which he had done for Garcia. This was last year. Gar-

cia instructed me to publish a notice in the newspaper, revoking a power of attorney which he had given to said Guirado; I think this was published a year ago last fall, the fall of 1853.

2d question. Were the persons who thus spoke of said Guirado the personal friends of M. G. Vallejo, or are they dependent upon his testimony in any manner in cases wherein they are interested, or are his interests and theirs united in the prosecution of any claim to lands in this commission or elsewhere?

Answer. I do not know whether they are the personal friends of said Vallejo or not; I do not know whether they are dependent upon his testimony, and their interests are not united, that I know, in the prosecution of any claim.

3d question. Name the persons whom you have heard speak of the character for truth and veracity of M. G. Vallejo and José de la Rosa as being good; when, where, and under what circumstances, did they so speak?

Answer. In regard to Gen'l Vallejo's character, I never heard anything said against it for truth and veracity until I saw it in the newspaper. The same may be said with regard to José de la Rosa with one exception, which was when a person called to see me about impeaching him; said person had a suit in which said de la Rosa was to be a witness, and he said that if he could impeach him, he could win his suit; and my reply was, that I had not heard the old man's character spoken ill of, and that I could not believe that he would succeed in finding any one who would do it.

4th question. Name the persons whom you have heard speak of the character of Gen'l Vallejo, and who regarded this attempt to impeach him as a cowardly attack on his character.

Answer. Robert Beck, J. H. Hill, Harry Hill, James Cooper, Jenkins, Peter Campbell, Fritch, and I have heard it in general conversation in public houses, and was looked upon as cruel and ungenerous.

5th question. Were the persons who thus spoke the personal friends, or in any way related by blood or interest in sustaining his reputation as aforesaid?

Answer. They are the personal friends of Vallejo with the exception of Fitch, who is a nephew of Mrs. Vallejo; I do not know that they are interested in sustaining his reputation.

6th question. Have you any interest whatever, either directly or indirectly, present or *per*spective, in the result of this case, or in the establishment of the character for truth and veracity either of Gen'l Vallejo or José de la Rosa, or in impeaching that of Rafael Guirado?

Answer. Not the slightest. I have no interest except as a friend of General Vallejo, and that I, as a citizen, do not wish to see the character of a good man attacked in this wanton manner. I have

no pecuniary interest in sustaining either; I have not the slightest interest in impeaching that of Rafael Guirado that I know of.

7th question. Did José de la Rosa ever inform you that he had any interest in the result of this suit?

Answer. I never spoke a word to him about this suit in my life.

8th question. Do you know from your own knowledge, or from any information derived from either M. G. Vallejo or the claimants, Lucos, that either the said M. G. Vallejo and José de la Rosa have or had any interest in the decision of this claim?

Answer. I do not.

9th question. Do you know the rancho Yany, in Mendocino county, confirmed by this commission to Rafael Garcia, and do you know of the sale of said rancho by Rafael Guirado to the said M. G. Vallejo; if yea, from whom, or how did you derive your knowledge of said sale?

Answer. I knew of the sale of a rancho by said Guirado to M. G. Vallejo in Mendocino county; the deed of the said rancho was read by me, and I think my clerk drew it, but I am not certain said deed was executed in Sonoma.

10th question. Did said M. G. Vallejo ever inform you of the manner in which he became the purchaser of said rancho, and the consideration he paid therefor? if yea, state what he said about it.

Answer. *All I know.* All that I know about it was that I drew up the deed, or under my supervision. I think he paid a certain proportion down, and the balance was to be paid by instalments, and upon the confirmation. My recollection about the matter is that there was about 3,000 dollars paid to Guirado down, but I am not positive. I think the consideration of the deed was twenty thousand dollars. I know from the parties that the 3,000 dollars was paid; but I do not recollect being present when it was paid. I do not know of Guirado or Garcia's having received any further payments. My opinion is that the parties came to some arrangement about the matter, though I do not know what it was.

11th question. In what language was the deed of said rancho written? if in the English language, state from your own knowledge, or information from General Vallejo, whether or not said deed was correctly translated into the Spanish by said Vallejo to Guirado, and whether said Guirado understood the import of said deed before he subscribed his name thereto.

Answer. It was written in the English language; I have no doubt that he understood its import, as it was read to him by myself and Vallejo, and I explained to him the meaning of, and Vallejo translated it to him in Spanish, and he knew perfectly well what he was signing.

12th question. Who was your clerk at the time said deed was written?

Answer. I am not sure who wrote it; there was a man by the name of Miller and one by the name of Wansey writing for me, and I think the one or the other wrote it.

13th question. At what time was this deed written?

Answer. About two years ago now—I can't say definitely; it was written in my office, and I think it was executed there. I cannot state positively that it was signed there.

14th question. Was it written in the day or night?

Answer. I think in the afternoon, during business hours. It might have been executed towards night, but I cannot say certain.

15th question. When said deed was written what was the value of said rancho, and what did M. G. Vallejo consider its value?

Answer. I think from what I heard at the time, that it was worth about 20,000 dollars. I heard Vallejo say that the time of the payment being put off for a considerable time until the confirmation thereof, and by having it divided, it would be a good operation.

16th question. Was said Guirado asked to sign said deed more than once before he signed, and did he sign it on the same day on which it was written?

Answer. I do not know that he was asked to sign it at all. It was executed as all papers are of that kind, read over to him, and he signed it. I think Guirado was more anxious to sell than Vallejo to buy. He signed it the same day on which it was written.

17th question. What proportion of said rancho did said Vallejo actually acquire by the sale thereof, and what other person, if any, was to be benefited by said sale?

Answer. He acquired the whole of the rancho; the quantity mentioned is nine leagues. I think Vallejo afterwards told me that I could have a share at the same price that he paid. I told him that I would consider the matter; that I would rather go and see the land before I bought any part of it. No other person was to be benefited by said sale, from my own knowledge.

18th question. Who was present when Guirado signed said deed? State when it was signed.

Answer. I cannot say whether there were more than us three; there might have been more, but I cannot say whether any person else was, unless Maupin or O'Neil was, though I cannot say certainly.

19th question. Was not said Guirado under the impression at the time he signed said deed that it was only a power of attorney, and did he not take the 3,000 dollars to pay Garcia?

Answer. He was not, as he knew better than that: he knew it was an absolute deed, and has talked about it since. I believe he

paid it to Garcia, and he took the money and went that way, and he said he was going to pay him. The parties got into a considerable difficulty about the money; Guirado drew out of it some 50 to 100 dollars at a time, amounting to about 500 or 700 dollars; and Garcia having revoked the power of attorney, I declined giving him any more. I kept the balance in my safe, and when Guirado came to get any I refused, and told him that if he would get an order from Garcia I would pay him. Garcia wanted me to keep it for him, and to take measures to prevent said Guirado from squandering any more of his estate, and I published a notice of revocation for this purpose, and kept the balance of the money, for which we have an unsettled account; I having done business for him here in the city, and other law business, and have an open account.

20th question. Did Vallejo know at the time said deed was made to him that it was defrauding Garcia out of his ranch? State whether 3,000 dollars was the full amount of the first payment; if not, why was not the balance paid?

Answer. I believe not; I know that he gave the full value of the property at the time, and I did not see any fraud in it. I did not know Guirado at that time, but supposed that he was an honest man, or he would not be intrusted with the power of attorney. To my best recollection, 3,000 dollars was to be paid down, and 17,000 when it was confirmed.

21st question. Did you ever visit the said land with a view to become the purchaser; if yea, when, with whom, and did you become the purchaser of any of it afterwards?

Answer. I did not visit said land and did not become the purchaser of any of it; I have no doubt that I can get a part of it, a third, or half, on the same terms as Vallejo purchased it.

22d question. Is this sale the first transaction that has militated against the character of said Guirado?

Answer. I do not know; I think I have seen, but I don't know anything about the man before that; I did not even know his name.

23d question. What was there in this transaction that gave you a bad opinion of Guirado?

Answer. After he made the sale in this matter, his conduct in relation to the money, he told me that he deposited the money and he had a right to it; he did not say what he wanted to do with it; I formed my estimate of his character from subsequent transactions.

24th question. What security did Vallejo give for the balance of the money; to whom, and when was it given?

Answer. He gave a promissory note, I think, at the time of the execution of the deed to Guirado; I remember drawing up a note

which was executed; I suppose he gave it to Guirado, but I do not know.

25th question. Has said Guirado ever testified in any case contrary to your interest, either directly or indirectly?

Answer. He has not to my knowledge.

26th question. By whom was you requested to testify in this case?

Answer. I saw in the newspapers this evidence in relation to Vallejo, and received a letter from Capt. Frisbie in relation to it. I replied to that letter that I would come here as a witness, and I did come.

27th question. Are you now or have you been personally interested in any suits depending upon the testimony of either said Vallejo or José de la Rosa?

Answer. Not to my knowledge.

28th question. Do you know of any fraudulent transactions in land claims, or in relation thereto, in which either M. G. Vallejo or José de la Rosa have been interested, either from your own knowledge or from information derived from either of them?

Answer. I do not; I believe Gen'l Vallejo too much of a man to do anything of that sort.

29th question. Have you asked any person to come here to testify in favor of the claimants in this case?

Answer. At the request of Capt. Frisbie I have talked to some of the citizens of Sonoma relative to the character of Gen'l Vallejo, but not in relation to the title of this property.

30th question. If you have induced or influenced any person or persons to testify in this case, in order that the reputation of M. G. Vallejo or José de la Rosa for truth and veracity might not be impeached, name them.

Answer. I have not induced any one; the persons I talked to are willing to testify without any inducement. I answer the question, no.

31st question. Did you ever hear of a suit brought by Wm. Bryant against Gen'l Vallejo?

Answer. I have.

32d question. Was there any difference in the testimony in that case as given by the officer who served the summons and said Vallejo in reference to the service of said summons? If there was a difference, state was said on the occasion.

Answer. The summons was returned, as served on a given day. After the service of it I was handed by Gen'l Vallejo the summons and copy of complaint, and I endorsed upon it the day which said Vallejo said he received the service, for the purpose of drawing up the answer. I found that judgment was taken against Vallejo by default, the return of said summons showing an earlier day than the statement I received from Vallejo. I drew up an affidavit, and

in it the day of service as I had it in my copy of said complaint, which he made for the purpose of having the default set aside. It was mistake such as might be easily made, and was caused by relying on the memorandum that was made at the time, supposing that to be the true day.

33d question. Would or did not the difference in time give you the legal time for filing your answer?

Answer. When the process was served I had plenty of time to file the answer. This mistake would give the time necessary from the date embodied in the affidavit, having failed to answer in the legal time required from the date of the return of the process by which judgment went by default. This affidavit was made some considerable time after the process, and the date inserted in said affidavit was made from a memorandum of mine of the time of service. There was no intention to do a wrong in the matter.

34th question. Do you know where Gen'l Vallejo was at the time of the service of said summons?

Answer. I do not know where he was.

35th question. Do you know how the matter was finally settled; if compromised, on what terms?

Answer. The judgment was set aside and the parties compromised. I think it was settled by Gen'l Vallejo's giving him some land and money.

36th question. On what basis was that compromise made? State whether it was through any fear of an indictment.

Answer. I suppose it was done by accounting, though I don't know. This compromise was made through neither fear, favor, nor affection; said Bryan got land *with* three or four thousand dollars, and he got one thousand dollars in cash. His claim was originally 20 or 30 thousand dollars, as I think that was what he sued for, and Bryan told me that he thought he could recover every dollar that he claimed.

(Signed) MARTIN E. COOK.

Subscribed and sworn to before me this 25th June, 1855.

(Signed) R. AUG. THOMPSON.

Filed in office June 25th, 1855.

(Signed) GEO. FISHER.

Deposition of John Cameron.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June* 26, 1855.

This day came before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, *came* John Cameron, a witness in behalf of the claimants in case

No. 813 on the docket, who being duly sworn sworn, deposed as follows:

Judge Bryan present for the U. S. law agent.

Questions by Mr. Jones, for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is John Cameron; my age 45 years; and I reside in the city of San Francisco.

2d question. Have you ever resided in Sonoma; if yea, when, and how long?

Answer. I have resided in Sonoma; I lived there from the 10th day of April, 1847, until I left there on the 23d day of March, 1854.

3d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, do you know their reputation in the community in which they reside for truth and veracity; is it good or bad; and judging from the knowledge you have of their said character, would you believe them under oath?

Answer. I am well acquainted with all the said persons, and know their character for truth and veracity in the community where they reside, and esteem their said character or reputation good, and I have heard nothing to the contrary of its being so esteemed in their neighborhood, and from such knowledge I would believe them under oath.

4th question. What was your occupation while you resided in Sonoma?

Answer. For two years of the time after the first sitting of the legislature of California I was mayor of the city of Sonoma, and a merchant, and aftewards became a farmer near the said city.

Cross-examined by Judge Bryan for the U. S. Law Agent.

1st question. Are you acquainted with the most of the prominent citizens now residing in Sonoma and in that vicinity?

Answer. I think I am.

2d question. Please state the names of such of the most prominent citizens aforesaid as you can now remember.

Answer. There is George W. Miller, Lewis Adunn, James Cooper, Israel Brockman, Nicolas Carapen, Archibald Tennant, Dr. Hill, Harrold Camp, A. C. McDonald, Boggs and Hoppin, Martinero, Mr. Hood, Fowler; these are such as I now remember.

3d question. Is your acquaintance with Martin E. Cook, Dr. Hill, and James Cooper intimate, and do they not now hold their lands or other interests through Gen'l Vallejo, and are they not interested in sustaining his reputation for truth and veracity?

Answer. My acquaintance with said persons is intimate; the said Hill and Cooper live upon a portion of the Petaluma ranch; I presume they bought of Gen'l Vallejo, but I never saw their titles;

I have heard Cooper say that he bought of Gen'l Vallejo; I do not know that they are interested in sustaining the said reputation of Gen'l Vallejo; they are men of the best standing in society for honesty and truth.

4th question. Is not James Cooper now, or has he not been, in partnership to a greater or less extent with Gen'l Vallejo in lands or otherwise?

Answer. Never to my knowledge in any transaction.

5th question. Did your intimacy with Gen'l Vallejo extend to a knowledge of his business matters; if nay, how far does your intimacy extend since you left Sonoma?

Answer. Never further than what business we had between ourselves; my intimacy with him has simply been that of a friend and neighbor.

6th question. Have you ever heard any reports respecting the said Vallejos and Rosa, or the testimony they had given before this commission or elsewhere; if yea, what were they, good or bad?

Answer. I never heard anything said relative to the testimony of said persons or their impeachment, until I saw it stated in some of the newspapers of the city a few days ago.

7th question. Have you heard anything said about the city lands, as described by Gen'l Vallejo, or the boundaries thereof; if yea, what was it?

Answer. I have heard some persons doubt the truth of his statement of the matter, and then I have heard others say they did not doubt it; I gave the subject so little attention that I could not now name a person whom I have heard express himself of either opinion.

8th question. Have you any interest, present or prospective, either in lands or otherwise, dependent upon the evidence of the said Vallejos or Rosa, and have you no other motive than that of defending a wantonly assailed reputation in coming here to testify?

Answer. I have no interest so dependent, and my only motive has been to defend the character of the Gen'l and his friends from what I felt to be an unjust attack upon his reputation, and soon after I learned it I made it my business unsolicited to seek this opportunity of performing a duty towards a fellow-citizen.

9th question. Had you any conversation with any one relative to coming to give your testimony in this case previous to so coming; if yea, with whom?

Answer. I have had no conversation with any in regard to the matter, more than that some persons, *who* name I do not know, asked me if I was named Cameron, and was the person who had left his address at the St. Francis for Gen'l Vallejo; I told him I was; he asked me if I was willing to go and give my testimony in

the case; I told him I was; that for that purpose I had left my address for Gen'l Vallejo.

10th. question. Are you acquainted with the claimants in this case; if yea, what is your knowledge of them?

Answer. I am not.

11th question. When did you first hear of this claim for "Ulpinas;" from whom, and under what circumstances?

Answer. I do not know anything of this claim; I have often heard said Rosa say he had land, but I do not know where, *not* by what name, as, having no interest in such matters, I made no inquiries.

12th question. What has been the occupation of said Rosa since you have known him?

Answer. I have never known him to be engaged in any business particularly.

13th question. Has he been a man of wealth at any time since you have known him, or is he now wealthy?

Answer. I do not know; I should think not.

14th question. Have you ever known him to be the owner of any number of horses and cattle; if yea, when, how many, and where did he keep them?

Answer. I never did.

15th question. If he did keep any number at Sonoma, since you have known him, would you have been likely to know it?

Answer. I think I should, at least while I lived at Sonoma.

16th question. Are you acquainted with the different brands used by the citizens of and about Sonoma for branding their stock; if yea, did you ever know a brand recognised as that of said Rosa?

Answer. I am acquainted with very nearly all the brands used from Sutter's to San Rafael in 1848 and 1849; on the large ranchos there were no doubt private brands that I did not know; I never had a brand pointed out to me as that of the said Rosa; Gen'l Vallejo used two irons in branding his horses.

17th question. At what amount would you estimate the worth of all the property of which you have known said Rosa to be the owner?

Answer. I have never known him to own any property of any kind to my knowledge, except two small lots in the city of Sonoma.

18th question. By what means did he earn his livelihood since you knew him?

Answer. He has been in the families of Gen'l Vallejo and Salvador Vallejo, and would occasionally leave for 3 or 4 months.

19th question. In what capacity was the said Rosa in the said families?

Answer. He was there merely as a companion and friend, and I think not as a servant of any kind.

20th question. Had he no other means of living except upon his friends; if yea, what were they?

Answer. I cannot whether he had or not; I know of none visible; he seemed to be deeply interested in the church affairs, and was a very temperate and moral man; he was highly respected among the Californians, and seemed a sort of adviser with a great many of them.

21st question. Did the aforesaid qualifications procure him a subsistence; and would you have given him credit in your store for any reasonable amount, say $50 or $100, upon the faith thereof?

Answer. As to whether his qualifications procured his subsistence I cannot say, but I have often credited him for small amounts and never refused him credit, and he always paid me honorably; if he had asked me to credit him 50 or $100, I think I would have done it, relying upon his honor for my pay.

22d question. Where and how did he obtain money to pay his bills?

Answer. I do not know.

23d question. Would you believe he has ever been worth $20,000 since you have known him?

Answer. I do not know that I could say that I would believe it, but he may have been and I did not know it; I do not think he has; he may have land and horses; he has offered to sell me land.

24th question. What was the general impression in his neighborhood as to his circumstances; was he not esteemed a very poor man?

(24th question objected to by claimants' counsel.)

Answer. It was generally thought that he was.

25th question. In dealing with you in your store, has he not often mentioned to you his circumstances; if yea, what were they?

Answer. I do not think he did.

26th question. For what reason did he ask credit, and why did you give it?

Answer. He never assigned any reason for it to me; he would come and get a few articles, and say he would pay for them in a week or in a few days.

27th question. Since you have known said Rosa, has he not been a dependant on the Vallejos or other friends to your own knowledge, and according to the general impression, for his support; if yea, who were they?

Answer. When I first went to Sonoma he had his family there and lived with it; but since his family left—about a year and a half ago I went there—he has been living at the Vallejos', as I have before stated; has made his home at their house. I do not know whether he was dependent upon the Vallejos for his support; I

have no idea what he depends upon, but I should think he depended upon the said persons, the Vallejos.

28th question. By what means was his family supported, and under what circumstances did they leave?

Answer. I do not know how they were supported, nor under what circumstances they left.

29th question. Did you ever hear any person say why his family left, or in what way they were supported?

(29th question objected to by claimants' counsel.)

Answer. It was reported that his wife was a woman of bad character, and he refused to live with her, and I understood sent her to her friends in Mexico; I never heard any one say how his family was supported.

30th question. Did you ever know an Indian woman in Sonoma called Guadalupe Tresimina; if yea, what is her age, and whose wife is she recognised to be?

Answer. I don't know any woman by that name.

31st question. Did you know a man named Juan Pablo?

Answer. I do not think I did.

32d question. Did you ever hear of a trial between William Bryant and Gen'l Vallejo, in which cause the said Vallejo testified adversely to Sheriff Brockman relative to the date of a summons in said cause; what did you so hear?

Answer. I have no knowledge of the matter.

33d question. Do you know from your own knowledge, or otherwise, that the said Vallejos and Rosa have been engaged or testified in that which was a fraud or untrue?

(33d question objected to by claimants' counsel.)

Answer. I do not know.

Re-examined by Mr. Marshall for Claimants.

1st question. If José de la Rosa were to testify under oath that he was worth $20,000, would you believe him or not?

Answer. I would believe him.

2d question. When did said Rosa tell you he had a rancho for sale?

Answer. I cannot state the exact time, but it was between October, 1849, and the spring of 1850; during that winter we had received heavy stocks of goods, and the Californians were continually offering to trade us their lands.

JOHN CAMERON.

Subscribed and sworn to before me this 26th day of June, 1855.

R. AUG. THOMPSON, *Com'r.*

Filed in office June 27th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Alvin C. Campbell.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 27th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Alvin C. Campbell, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

Judge Bryan present for the U. S. law agent.

Questions by Mr. Marshall for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Alvin C. Campbell; my age 31 years; and I reside in the city of San Francisco.

2d question. Are you acquainted with Gen'l M. G. Vallejo; if yea, how long have you known him; do you know his general character for truth and veracity; is it good or bad; and judging from what you know of his said character, would you believe him under oath?

Answer. I first became acquainted with Gen'l Vallejo in the early part of 1850, during the session of the legislature of the State of California, in the winter of 1850–'51; I became intimately acquainted with him ever since then up to the present time, and have transacted considerable business with him; I have known his character for truth and veracity from personal knowledge, and from his general reputation; his reputation for truth and veracity is good, and from my own knowledge of the said Vallejo for truth and veracity, and from his general reputation as such, I would not doubt his word under any circumstances. I would state in explanation, that while I was a member of the said legislature in 1850 and 1851, I had every opportunity of becoming acquainted with his character for truth and veracity, having then seen him tested in cases where his interest was immediately at stake, and to which I was adverse, and I always found him upright and truthful.

Cross-examined by Judge Bryan for the U. S. Law Agent.

1st question. At whose instance did you appear as witness in this case?

Answer. I came at the request of Capt. Cunningham.

2d question. When did you first hear of this claim for Ulpinas?

Answer. I knew nothing of said claim than what I have seen in the newspapers.

3d question. Have you any interest, either present or prospective, in any case before this commission, or otherwise, in which Gen'l Vallejo has been engaged, or in which he has given testimony, and have you any interest whatever in sustaining his reputation for truth and veracity?

Answer. I have an interest in some claims before the said commissioners, but I do not know whether he has given testimony in any case in which I am interested. I have never myself called him as a witness in any case, nor asked him to be a witness, either personally or otherwise. I have no further interest in sustaining his said reputation, than that of any other good man.

4th question. Do you believe the city line to be correct, as described by Gen'l Vallejo, and have you any interest within the said lines, or in maintaining them?

Answer. I suppose that if he has sworn to it, he has described it correctly, but my pecuniary interest as an attorney is rather opposed to the lines so described by him. I own no property here except contingently.

5th question. Are you acquainted with the handwriting and signature of Pio Pico, and have you not within a short time past gone with certain persons to the office of the surveyor general, for the purpose of examining the signatures of said Pico on documents on file in the archives in charge of the said surveyor general?

Answer. I do not know the signature of Pio Pico; I have examined several papers in the said office of the surveyor general, in reference to his signature and others, and I may have examined others, and I may have examined the one of which the one I now have before me purports to be an authenticated traced copy, and marked Exhibit A. P. L. to deposition of Juan B. Alvarado and others, but I cannot say positively whether I examined the original of this or not. I did not read the documents; I only looked over them hastily and examined the signatures.

6th question. Are not you or your family in the habit of receiving and reading letters from Pio Pico; and from that circumstance have you not become familiar with his signature?

Answer. I have never received a letter from him in my life; I have seen, probably, three or four letters purporting to be from him to my father-in-law, Antonio Maria Pico, or to Andres Pico; from those I could form an opinion of his handwriting by comparison, but I could not swear positively to his handwriting.

7th question. Was it not with the view of judging from your knowledge of the signature of Pio Pico that you visited the surveyor general's office in company with Col. Bailey Peyton and Joseph B. Caskery for the purpose of carefully examining said document as purports to be the papers upon which this claim for the Ulpinas is founded, and what *connection,* if any, did you express on that occasion?

(7th question objected to by claimants' counsel.)

Answer. I went to said office at the request of Col. Bailey Peyton; the other person mentioned, I do not know whether he was present or not. At the request of Col. Peyton I examined the

signatures to some documents presented to me by him for the purpose of ascertaining whether I knew the signatures thereon or not; my recollection is that Covarrubias's name was upon the document, and also the name of Pio Pico; that I stated to Col. Peyton that I believed the signature of Covarrubias to said document was genuine; that as to Pio Pico's signature I had not seen enough of it to state one way or the other; that I would inquire of persons whom I knew to be acquainted with the signature of said Pico, for the purpose of ascertaining whether his signature on the said document was genuine or not; I made inquiry of some of the Californians, with reference to it, and informed Col. Peyton that I was not able to find any one who would say that it was anything but genuine; but I do not now remember of whom I made such inquiries; after that I gave the subject no further attention.

8th question. Did you ever propose for certain contingent fees to defeat this claim, founded upon such documents so known you; if yea, upon what grounds was that proposition made, and why was it not accepted?

Answer. I made no proposition of any character with reference to that claim, but Col. Peyton proposed to me that I should ascertain, if I could do so, as to the genuineness of a signature; that if I could produce witnesses to show that it was false, he could get a good fee, and would give me a portion of it for my services. The reason why I did not accept said proposition was, that I satisfied myself by inquiry that I could not get any witnesses to prove said signature to be false, and I so informed Col. Peyton.

9th question. Was not Andres Pico one of the persons of whom you made inquiry relative to the said signature; if yea, was it not after he had testified in this case to the genuineness of said signature?

Answer. I do not recollect whether I made inquiry of Andres Pico or not, nor do I know whether he has ever given his testimony in this case or not; I am well acquainted with the Californians who probably would know whether the signature is genuine, and I cannot remember to whom I may have spoken about it, nor how many; I may have spoken to Andres Pico about , but I do not remember it.

10th question. Have you ever lived at Sonoma, and what has been your means of knowing the private character of Gen'l Vallejo in the community where he resides?

Answer. I never have lived in Sonoma; I have been acquainted with his said character in San José, San Francisco, and Sacramento, at which place I believe he is well known.

(Signed) A. C. CAMPBELL.

Subscribed and sworn to before me this 27th day of June, 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 27th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose Miguel Ferrer.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 27th*, 1855.

This day, before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, came José Miguel Ferrer, a witness in behalf of the United States in case No. 813 on the docket, who, being duly sworn, deposed as follows:

Capt. Cunningham, attorney for claimants, present.

Questions by Judge Bryan for the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Miguel Ferrer; my age is 41 years; and I reside at present alternately in San Francisco and Martinez.

2d question. Do you know Rafael Guirado, and how long, and do you know his character for truth and veracity; is it good or bad; and judging from your knowledge thereof, would you believe him under oath?

Answer. I have known the said Guirado ever since the year 1825; I became acquainted with him in Sonora, Mexico, in the house of Gandara, and I have known him in California since 1848; I know that in Sonora he was esteemed an honest man, with a good reputation for truth and veracity, and have never heard anything to the contrary in California; I esteem him a man of good reputation for truth and veracity, and therefore I would believe him under oath.

3d question. Were you ever in the employ of Gen'l Vallejo; if yea, how long, and when, and was the said Guirado in the employ of the said Vallejo during that time; and if so, how was he employed?

Answer. I have never been in the employ of Gen'l Vallejo; but when I went to Sonoma about the latter part of 1852 he did me the favor to pay two months' rent, $60, to an American for a house, and afterwards he lent me a room in which to live; the only service I ever did him was little chores about his house; I was at Sonoma about two years; the said Guirado came to Sonoma about May, I think, in 1853, and was for a short time in the house of Fitch, and then went to live with Gen'l Vallejo; he had charge of the Gen'l's house, and I saw him to work in the (huerta) orchard, and selling fruit; I believe he had the orchard on the shares; when I left Sonoma he was still with the General.

4th question. Do you know anything of the Messrs. Luco having a number of horses belonging to Gen'l Vallejo; if yea, who *vented* them, and at what time was it done?

Answer. I do; I saw them venting the horses at the *quartee* with the brand of a double heart; there was about 200 horses, and I heard them say there were two hundred, and I understood there were to be delivered 300; one of the Messrs. Luco, I don't know which, was present; one Ortega, (I believe Vicente Ortega,) a boy called Larcho, and Don José Vallejo; these I remember to have seen; the horses were taken away by said Luco, Ortega, Larcho, and others; I do not know where they took them to, nor whether the said Vallejo, (José,) Ortega, and Larcho went with them as far as they drove the horses; I understood they were taking them to Ulpinas; this is what I heard and saw.

5th question. For what purpose was it then said that these horses were taken to said rancho, (Ulpinas,) and for whose benefit; was it understood that they were taken there on an individual account or company account to settle said rancho or poblarso?

Answer. I heard it said that they were taking them there to settle the said rancho, and that it was for the benefit of a company that had been formed; Guirado himself told me so, as also others.

(5th question and answer objected to by claimants' counsel.)

6th question. Have you ever been present at any conversation between the said Guirado and José de la Rosa about the time of the venting of the said horses, or shortly after; if yea, what was the substance of such conversations?

Answer. Being in the Zuguan—I do not remember whether it was before or after the said venting—with said Guirado, José de la Rosa came up; I said to him (Rosa) that the people said he was rich; he answered me yes, they say so, but it is not so; then said Guirado said to Rosa, I will give you $10,000 for the title; Rosa said no; it was something that might be valuable, but that he would content himself with $1,000; this is about the substance of what then passed between them.

7th question. Is the said Guirado an intelligent man, and has he to your knowledge held trusts or office under the Mexican government?

Answer. I do not know what his qualifications are; he knows how to read and write; I saw him in Sonora conducting the business of the house of Gandara, and I have understood that he has been alcalde or regidor in California; there were others engaged in the house of said Gandara, but he seemed to have the charge, and was esteemed as a man of the most confidence.

Cross-examined by Mr. Jones, Attorney for the Claimants.

1st question. What is your present occupation?

Answer. My present occupation is the making of cigarritos and combs, and I am something of a musician, and sometimes waiter and dish-washer.

2d question. Is your knowledge of Guirado's character derived

from your personal intercourse with him, or from his general reputation?

Answer. My knowledge of his character while in Sonora is derived from his general reputation there; my most intimate acquaintance with him has been at Sonoma; and as for myself I consider him an honest man, but I do not know what his reputation may be with other persons.

3d question. Do you know the general character of Gen'l Vallejo, Salvador Vallejo, and José de la Rosa for truth and veracity in the community where they reside; if yea, is it good or bad; and judging from that character, would you believe them under oath?

Answer. With respect to their general character for truth and veracity some speak unfavorably of them, while others speak well; as for myself I consider them upright, honest men, and would believe them under oath.

4th question. Where does Rafael Guirado now live, and what is his occupation?

Answer. I do not know where he resides, nor what is his occupation; I have understood that he was about San Rafael, engaged in some way respecting a rancho.

5th question. Has Guirado told you that he was residing on a rancho about San Rafael?

Answer. I met him about the custom-house, and asked him where he lived, and he told me he lived at the house of his compadre, I believe one Garcia; this was some three months ago; I understood it to be the other side of the bay.

6th question. Who asked you to come here and testify in this case?

Answer. Guirado.

7th question. Have you ever heard said Guirado express any feelings of enmity or dislike towards Gen'l Vallejo?

Answer. I have; he told me that they had a dispute about a trade which they had; that they had had a disagreement.

Re-examined by Judge Bryan, for the U. S. Law Agent.

1st question. In your answer to the 6th question in the direct examination herein, did you or did you not say that the conversation therein referred to was a jest? and state whether the said Guirado had the means of paying $10,000 at that time.

Answer. I said that it might have been in jest, or it might not have been, but that I did not know which; I don't believe the said Guirado had the means of paying such a sum, but he (Guirado) said to him (Rosa) come along with me, and I will secure you the amount.

(Signed) JOSÉ MIG'L FERRER.

Sworn to and subscribed before me the 28th day of June, 1855.
(Signed) S. B. FARWELL,
Comm'r.

Filed in office June 28th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Wm. Hudson.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came William Hudson, a witness in behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is William Hudson; my age 40 years; and I reside in Napa county.

2d question. Are you acquainted with M. G. Vallejo and Salvador Vallejo and José de la Rosa, and with their reputations in the community in which they reside for truth and veracity; is it good or bad; and judging from that reputation, would you believe them under oath?

Answer. I am acquainted with them, and with their reputation in the community in which they reside for truth and veracity; it is not very good; and judging from that reputation, I could not believe either of them under oath.

3d question. Where have you resided in California, and how long have you resided there?

Answer. I came to the country in 1845, and stopped in Napa; then I went to Sonoma in 1846, and resided there till the last two years; and since then I have resided in Napa.

4th question. When did you first become acquainted with said José de la Rosa? state his circumstances at that time and afterwards—if you know of his owning a rancho; if nay, would you likely have known it?

Answer. I became acquainted with him in 1846; he had nothing at all at that time; never heard him say anything about having a rancho, and if had property of any kind I most likely would have known it; I was intimately acquainted with him, and was frequently in his house in Sonoma, where he resided; this house belonged to Gen'l Vallejo.

Cross-examined by Mr. Marshall.

1st question. Do you hold any land in California; if yea, when and where, and under what claim or title?

Answer. I do; I hold under two titles; the one under Wilson's grant, and the other the Widow Bale, by purchase.

2d question. How do you know that the house in which said de la Rosa resided belonged to Gen'l Vallejo?

Answer. It was sold afterwards to a man named Cooper, and Vallejo gave the title to it.

3d question. Did you assist or have anything to do with raising the Bear flag?

Answer. I had.

4th question. Are the titles under which you hold, Spanish titles or settlers' pre-emption rights?

Answer. Spanish titles.

5th question. Are you a member of the Settlers' League, or any association adverse to Spanish claims?

Answer. I am not.

6th question. Is there not, in the counties of Napa, Sonoma and Solano, a general feeling among the settlers towards all holding under Spanish or Mexican titles?

Answer. There may be in Sonoma and Solano, but there is not in Napa.

(Signed) WM. HUDSON.

Subscribed and sworn to before me this 29th June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose S. Berreyesa.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 28th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came José S. Berreyesa, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

Mr. Marshall is present, as attorney for the claimants. Judge Bryan, present for the U. S. law agent, propounded the following questions:

1st question. What is your name, age, and place of residence?

Answer. My name is José S. Berreyesa; my age 36 years; and I reside at Martinez, in the county of Contra Costa, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long have you been acquainted with them, and are you acquainted with their character for truth and veracity in the counties of Napa, Sonoma, and Solano, and the community in which they reside; is it good or bad; and judging from your knowledge or information of such character, would you believe them under oath?

Answer. I am acquainted with all of the said persons; I have known the said Vallejos since the year 1837, and I became acquainted with said Rosa a short time afterwards; I am acquainted with their character for truth and veracity in the counties aforesaid, and in the community where they reside; with respect to Gen'l Vallejo, his conduct is very well known as bad, odious, and repugnant, amongst the Spanish people; with respect to the conduct of José de la Rosa, I and many others have known it to be very suspicious; with respect to Salvador Vallejo, I can say nothing; and judging from their reputation for truth and veracity, I would not believe Gen'l Vallejo or José de la Rosa under oath, as well as from my personal knowledge; with respect to Salvador Vallejo, I would sooner believe him than either of the others.

3d question. Have you any particular reasons for disbelieving Gen'l Vallejo under oath? If yea, please state them; or if you have any such reasons, please state them all particularly.

(3d question objected to by claimants' counsel.)

Answer. I would not believe him under oath for a particular reason, that I am cognizant of the fact that in his depositions given before the commission in the causes of Teodoro Soto and Antonio Armijo, he has therein sworn to facts which are false; and to be more certain, I will not mention more instances than those referred to.

4th question. Do you know whether the answer of Gen'l Vallejo to question 8, direct examination, in his deposition filed in this case, on the 11th day of June, 1855, is the truth? The said question and answer read as follows: "8 question. Do you know of his having occupied said land? Answer. I do." The said question refers to José de la Rosa.

(4th question objected to by claimants' counsel.)

Answer. I believe the said answer to be altogether false.

5th question. Were you not alcalde, successor to José de la Rosa, in the year 1846? If yea, did Augustin Bernal make application to you for the lands included in what is called the "Ulpinas Rancho" during that year? and state, if you know, why the said land was not granted to Bernal.

(5th question objected to as leading by claimants' counsel.)

Answer. I was alcalde, successor to José de la Rosa, in 1846; about the month of May or June of the said year, I received a letter from Don Augustin Bernal, in which he asked me whether

he could petition for the place called Ulpines; whether it was vacant, and could be granted to him. I answered his letter, stating that the lands referred to were vacant and unoccupied, and so far as it concerned me as juez, there would be no obstacle to my making a report thereon favorable to him, and as he delayed to take the steps to obtain the grant until the Americans arrived, he then did not have the opportunity of doing so.

6th question. What was usually the first steps taken to obtain grants of land in California under the Mexican government?

Answer. Sometimes the applicants directed their petitions to the respective alcaldes or juezes, asking permission to occupy the land provisionally; and obtaining such permission, they applied to the governor and obtained the title without any further proceedings, (requisitors;) at other times their petitions were directed immediately to the governor, who through the secretary obtained the necessary information, and acted accordingly as he deemed proper.

7th question. Where did José de la Rosa live during the years 1844, 1845 and 1846?

Answer. He lived a portion of the year 1843, and the greater part of the year 1844, at Monterey, and his family at Sonoma; he lived in Sonoma all the year 1845, and also that of 1846.

8th question. Are you acquainted with Rafael Guirado; if yea, what is his reputation for truth and veracity; is it good or bad; and judging from that reputation, would you believe him under oath?

Answer. I have known him for only about three or four months here in San Francisco, and I remember to have seen him in Sonoma in the year 1853; I have never had much intercourse with him, and I cannot say whether he is a man of good deportment or bad; I do not know enough about him to say whether I would believe him under oath or not.

9th question. Please look upon the document now here shown you marked "Exhibit No. 1," hereto annexed, and state whether or not you know in whose handwriting the same is; and also whether the signature of M. G. Vallejo attached thereto is his genuine signature; and if yea, why do you so esteem it?

Answer. I have examined the said document, and believe the body therof to be in the handwriting of M. G. Vallejo, from my acquaintance with the same, having seen him write a great deal for 8 years, and his signature thereto is his genuine signature.

10th question. Did any person visit you for the purpose of requesting you not to testify in this case; if yea, from whence did they come, and had they any other business, and what was the substance of the conversation you then had with such person or persons relative to the subject?

Answer. About two months ago I had a conversation with a gentleman in San Francisco, whose name I don't know; it is but

a short while since he left this room. In that conversation, he understood that I had pronounced the title in this case false, and he then told me that it were better to say nothing about that. I told him that I had no intention to injure the interests of any person; but that it was very repugnant to me to attempt to make a thing appear good that I believed to be bad.

11th question. Was either of the Messrs. Luco present at that conversation; and if yea, did he enter into the conversation, and could said Luco have heard the conversation you have just related?

Answer. Neither of the said Lucos was present; but a few days after the above related conversation, one of them arrived at the Saint Francis Hotel, and in a few words he recommended me the same. To whom I answered, that I had only said it because that I believed Gen'l Vallejo to be the author of this title, because it appears to me that he, Vallejo, wished to make good evil, and evil good, according as it suited his private interests.

12th question. Where did you reside during the years 1844, 1845, and 1846?

Answer. In Sonoma.

13th question. During those years, did you ever hear of any land being granted to José de la Rosa; if yea, what land was it?

Answer. During that time I never knew or heard it said that said Rosa owned any other land than a lot on the "Arroyo de Sonoma," the title to which was given by said Rosa to his own wife; but as to a rancho, I never heard it said that he had anything of the kind, nor do I believe he thought of a ranch, because he was very poor; at times he did not have anything to eat.

14th question. When did you first hear that the said Rosa had a rancho, and what rancho was it?

Answer. The first time was last year. It was then said that the rancho Ulpinas had been granted to him. Captain Cunningham is now recognised as the person to whom he refers in the answer to the 10th question herein.

Cross-examined by Mr. Marshall, Attorney for Claimants.

1st question. In what capacity did you serve under Gen'l Vallejo, in Sonoma, in 1837, '38, '39, and thereafter?

Answer. In the year 1837 I was taken and forced to serve as a soldier during this year. I served as a soldier and clerk to Gen'l Vallejo in criminal causes at Sonoma. About the month of January, 1838, I was promoted to the office of corporal of an escuadra in the presidial company of San Francisco. In the month of February, 1839, I arose to 1st sergeant of the same company. These offices I discharged under the orders of Gen'l Vallejo. In the year 1844 I was appointed treasurer of the said company by the officers and members thereof, which election was approved by Gen'l Mich-

eltorena. In the year 1845 I was raised to lieutenant, receiving my commission from Gen'l Castro, which official documents exist in my possession; and in 1846 I was appointed alcalde, as I have already stated.

2d question. Were you not shoemaker to Gen'l Vallejo?

Answer. No. I was my own shoemaker, and my shoes pleased Gen'l Vallejo, and he asked me to make his shoes, which I did, and he paid me for it; as also pantaloons.

3d question. While you were under the command of Gen'l Vallego were you not charged with mutiny and insubordination, and put in irons for the same, and sentenced to be shot?

Answer. It is certain that eight months after I entered the service, at the age of 17 years, I was advised by an old ensign of my company, Don Damas Rodriguez, to make a mutiny, and burst the chains of slavery in which Gen'l Vallejo kept us, in which the soldiers suffered 200 lashes for the most trifling fault; in which we were neither given clothing, nor provisions, nor pay, (saildo,) and into which were forced so many slaves; and he himself, convinced no doubt of his injustice and cruelty, about fifteen days afterwards, placed me at liberty. He gave me a furlough of two months to visit my family, and, upon my return, he conferred upon me the honor of corporal of esquadra.

No process was ever instituted against me for this act, nor was any sentence of any kind passed upon me, because it would have been contrary to ordinance, my not having at that time been informed of the duties and obligations of a soldier.

4th question. During the time that you so served under the command of Gen'l Vallejo, were you at any time, for any crime or misdemeanor, bound to a cannon and whipped?

Answer. I never had that pleasure, because I avoided all such proceedings by my good comportment; but I did see such things perpetrated many times with soldiers and innocent citizens, as I can prove by sealed papers and documents signed by Gen'l Vallejo, as also by my honorable discharge from the service, signed by Gen'l Castro.

5th question. Did you not, at the time of the raising of the Bear flag, abandon your countrymen, and espouse the cause of the Americans?

Answer. I did not. I was taken prisoner on the same day together with Gen'l Vallejo, Victor Prudon, and others. The limits of the pueblo were assigned to me as my prison for a few days, when I was arrested and confined in a sala under a guard.

6th question. Have you not within the last few months frequently said to various persons, that your time had come for vengeance against Gen'l Vallejo, or words to that import? and if you did not say that exactly, state what you have said.

Answer. I do not remember to have so expressed myself, and if

this is considered an opportunity, I was ignorant of the affair until the 22d of this month, when I arrived in San Francisco; and if I have said to various persons, prior to or after this date, that Gen'l Vallejo has not nor has had consideration and pity for various families of the country, it has been in consequence of reasons of which I have had cognizance in the counties of Sonoma, Mendocino, and others, which I could prove by a few documents.

7th question. Is it a fact, that during your residence in Sonoma, you were chased and beaten across the public plaza by José de la Rosa?

Answer. I have never had the misfortune to suffer such vileness. My reputation and principles were associated with a conduct of more consideration, as Don Manuel Castro can testify, who being prefect in the years 1845 and 1846, made a visit to Sonoma while Don José de la Rosa was alcalde, and having received complaints that all the acts of the alcalde were governed by the opinion of Gen'l Vallejo, the prefect conferred with a number of the residents for the purpose of ascertaining who could fill the office of alcalde independent of the influence of Gen'l Vallejo, from which it resulted, that by a certain law, which authorized the prefect, he appointed me alcalde for 1846, and the said Rosa refused to surrender the office of alcalde; he preferred against me some charges (fallas) before the governor. After two months occupied in correspondence between the prefect and governor, the said Rosa was expressly ordered to surrender to me the trust of alcalde, and that he should pay a fine of fifty dollars, in default of which he would be imprisoned at San Francisco, the capital of the sub-prefecture; but in censequence of the arrival of the Americans, he neither paid the fine nor was imprisoned. He surrendered the office of alcalde to me on the 5th of March, 1846, by order of Gov. Pio Pico, through the prefect.

8th question. Have you not been or are you not now the administrator of the heirs of the Armijo rancho, which was rejected by this board?

Answer. I have been such administrator ever since the year 1851, and am still such; and desiring to discharge my duties as such, I endeavor to take care of it as far as it lies within my power.

(Signed) JOSÉ S. BERREYESA.

Subscribed and sworn to before me, June 29th, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of David Hudson.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came David Hudson, a witness in behalf of the United States, in case No. 813 on the docket, who being sworn, deposed as follows: The claimants' counsel is present.

Questions by J. H. McKune, Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is David Hudson; my age 34 years; and I reside in Napa.

2d question. Where in California have you resided, and when and how long have you resided in each place?

Answer. I first resided in Napa, where I first stopped, and I have pretty much resided there since 1845.

3d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their character severally for truth and veracity in the community in which they reside; if yea, is it good or bad; and judging from that reputation, would you believe either of them under oath?

Answer. I am acquainted with them, and am acquainted from report with their characters severally for truth and veracity; from that report it is bad, and judging from that report of their reputation as aforesaid, I would not believe them under oath.

4th question. Where and when did you first know José de la Rosa; what were his circumstances in regard to property of any kind, either as to land or cattle, during your acquaintance with him; and if he had owned either, would you have known it?

Answer. I first knew him in the latter part of 1845, or early in 1846, in Sonoma; I do not know that he was ever worth anything; if he was I never knew it; my acquaintance with him would not justify me in saying whether I would have known the fact of his owning cattle or land.

Cross-examination by Mr. Cunningham.

1st question. What has been your occupation since 1845; have you resided all the time since that year; did you belong to the party that raised the Bear flag in Sonoma, and do you own any land; if yea, under what title?

Answer. First I was a soldier under Fremont; then I was a miner; and since then I have been a farmer; I belonged to the party that raised the Bear flag in said place; I own land under the

widow Bales' title, whose husband had a grant from the Mexican government.

2d question. Has that title been confirmed or rejected, and have you and your brother William paid for your land?

Answer. I have understood that it has been confirmed; I and my brother have paid for our lands.

3d question. Have either you or your brother had any litigation with either of these persons referred to in the 3d question in chief?

Answer. I have not, and to my knowledge he has not.

4th question. Is there not in the counties of Napa, Sonoma, and Solano, a general feeling of hostility among the settlers towards all persons holding under Spanish or Mexican titles?

Answer. I do not know. There is not in my county that I know of; in my neighborhood there is not any.

5th question. Do you know of the existence of an association called the Settlers' League, or by any other name, the object of which association is to defend the assumed rights of settlers against the holders of claims under Mexican or Spanish titles?

Answer. Personally I have no knowledge. I have heard that there was, and I believe from report that there is such. I am not a member of any such association.

(Signed) DAVID HUDSON.

Subscribed and sworn to before me, this 29th of June, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jessie W. Whitton.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Jessie W. Whitton, a witness in behalf of the United States in case No. 813 on the docket, who being sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Jessie W. Whitton; my age is 39 years; and I reside in Napa county.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with *their* reputations of each in the communities in which *the* reside for truth and veracity? If

yea, is it good or bad; and judging from that reputation, would you believe either of them under oath?

Answer. I am acquainted with them, and have known the Vallejos since 1845, and I know reputation of said M. G. Vallejo and Salvador in the communities in which they reside for truth and veracity; that reputation is not good, and judging from that reputation I would not believe them under oath. I have not heard much said of said de la Rosa, except that the Vallejos used him as a tool when necessary.

Cross-examined by Mr. Cunningham for Claimants.

1st question. How long have you resided in California, and where have you resided?

Answer. I came here in 1845, and I have resided in Napa valley since 1849; my occupation is mowing; my family are in Napa.

2d question. Was you interested in raising the Bear flag?

Answer. I was in that company; I came here under Fremont in 1845; I was not one of those who took Vallejo prisoner; they were detailed from the fort for that purpose.

3d question. Do you hold any pre-emption claim?

Answer. I do not. I am living on land deeded from Salvador Vallejo.

(Signed) JESSE W. WHITTON.

Subscribed and sworn to before me this 29th June, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Edw'd G. Marsh.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Edward G. Marsh, a witness in behalf of the United States in case No. 813 on the *document*, who being duly sworn, deposed as follows:

Mr. Marshall, attorney for claimants, is present.

Questions by J. H. McKune, U. S. Law Agent.

What is your name, age, and place of residence?

Answer. My name is Edward G. Marsh; my age is 29 years; and I reside in Sonoma, California.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa? If yea, how long have you known them; and do you know their reputation for truth and veracity in

the community where they reside; is it good or bad; and judging from that reputation, would you believe them under oath?

Answer. I am acquainted with Gen'l Vallejo, and also with Salvador Vallejo, and José de la Rosa. I am intimately with the General, having lived and worked on his farm for four or five years. I do not know whether Salvador Vallejo and Don José de la Rosa *has* any reputation; that is a matter that has not come under my notice; I only know them when I see them. My opinion of Gen'l Vallejo is that he would stick to what he would say under oath. I would doubt no man's word under oath until he should be proved a perjurer, and it would be hard for me to say what his reputation is with others. I have always found him to be a fair man in all the dealings I have had with him. I would believe him under oath.

(Signed) E. G. MARSH.

The law agent objects entirely to the filing of this deposition on the part of the government.

Subscribed and sworn to before me, June 29th, 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Charles Hopper.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Charles Hopper, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Charles Hopper; my age is 56 years; and I reside in Napa county.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their reputations severally in the communities in which they reside for truth and veracity? If yea, is it good or bad; and judging from that reputation, would you believe either of them under oath?

Answer. I am acquainted with them, and with their reputations in the communities in which they reside for truth and veracity, from report. That reputation from report is not very good; and judging from that report of their reputations as aforesaid, I would not believe either of them under oath where any matter of great

importance is at stake in which they are interested. My acquaintance with them is since the fall of 1848.

Cross-examined by Mr. Cunningham for Claimants.

1st question. Do you own or hold any claim to lands in this State under pre-emption claim, or otherwise?

Answer. I own land which I bought, but no pre-emption claim. I have a place up in the mountains where I have my stock, but no one claims it, where I have some improvement. The land on which I live I bought from Mr. Yount, who had the grant from the Mexican government.

(Signed) CHARLES HOPPER.

Subscribed and sworn to before me this 29th June, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of D. M. Berry.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came D. M. Berry, a witness in behalf of the United States, who, being duly sworn, deposed as follows:

Claimants' counsel is present.

Questions by Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is D. M. Berry; my age is 61 years; and I reside in Suisun valley.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their reputation in the communities in which they reside for truth and veracity? if yea, is it good or bad; and, judging from that reputation, would you believe either of them under oath?

Answer. I am acquainted with M. G. Vallejo, José de la Rosa, and have been since 1846; with said Salvador I am only slightly acquainted, and I am acquainted with their reputations for truth and veracity in the communities in which they reside, and it is not good; and, judging from their reputations, I would not believe either of them under oath.

3d question. Have you had any conversation with said José de la Rosa in reference to a ranch? if yea, when, and what was said by de la Rosa?

Answer. He stopped at my house in 1846, and I inquired of him where his ranch was, and he replied that he had none; he lived in Sonoma. This was in the winter of 1846 and 1847.

Cross-examined by Claimants' Counsel.

1st question. Do you own or claim any land in this State? if yea, under what title?

Answer. I do; I hold under a school warrant; the claim is on the Montezuma hills, as they are called, and the land is claimed by the Lucos, under the name of Ulpinas.

2d question. How many of your sons hold claims in said lands, and how do they hold them?

Answer. One of my sons has a pre-emption claim on said land.

(Signed) D. M. BERRY.

Subscribed and sworn to before me 29th June, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

The foregoing deposition is objected to by the counsel for the claimants on the ground that he is interested in the event of the suit, and is a squatter on the land.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of R. A. Maupin.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came R. A. Maupin, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by Mr. J. H. McKune, U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is R. A Maupin; my age 32 years; and I reside in Sonoma.

2d question. Are you acquainted with M. G. Vallejo and José de la Rosa, and with their reputation in the communities in which they reside for truth and veracity? if yea, is it good or bad; and judging from that reputation, would you believe them under oath?

Answer. I am acquainted with them, and with the reputation of said M. G. Vallejo and Salvador Vallejo for truth and veracity in the communities in which they reside; it is bad; and from that reputation I should take their unsupported evidence with a great deal of suspicion, in a case where they were interested. I am not so well acquainted with the reputation of said de la Rosa; as far as I know the public sentiment in relation to him, it is that he has been used by the said Vallejos for their own purposes.

(The latter part of this answer relating to de la Rosa objected to by claimants' counsel.)

3d question. Are you acquainted with Rafael Guirado, and with his reputation for truth and veracity in the community in which he has resided; if yea, is it good or bad; and judging from that reputation, would you believe him under oath?

Answer. I know him slightly; I am not acquainted with his reputation for truth and veracity in the community in which he has resided.

4th question. What was his general demeanor in the community? (Objected to.)

Answer. He was a very quiet, unassuming man, and his behavior, so far as I know, has been very good.

Claimants' counsel waives a cross-examination.

(Signed) R. A. MAUPIN.

Subscribed and sworn to before me, this 29th June, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John York.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to accertain and settle the private land claims in said State, came John York, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by J. H. McKune, Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is John York; my age 35 years; and I reside in Napa.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo and José de la Rosa, and with their reputations severally in the communities in which they reside for truth and

veracity; if yea, is it good or bad; and judging from that reputation, would you believe either of them under oath?

Answer. I know them slightly; I only know their reputations for truth and veracity in their community from report; that report is various; some say that they would not believe them, and others that they would; and judging from that report, I would not believe them, in certain cases, under oath.

3d question. How long have you resided in Napa county?

Answer. I have resided there pretty much since the year 1845, except when I lived in Sonoma.

Cross-examined by Mr. Jones.

1st question. Is there not a considerable feeling of hostility against said persons owing to their holding large grants of land?

Answer. I do not know.

(Signed) his JOHN YORK. mark.

Subscribed and sworn to before me this 29th June, 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of William A. Rector.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June* 29, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came William A. Rector, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Wm. A. Rector; my age 46 years; and I reside in Napa county.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and with their several reputations in their communities for truth and veracity; if yea, is it good or bad; and judging from that reputation, would you believe either of them under oath?

Answer. I know them, and have known them for several years; I am acquainted with their reputations as aforesaid in their communities for truth and veracity from common report; it is bad; and

judging from that reputation, I would not believe either of them under oath if they had anything at stake.

3d question. When and where have you resided in California?

Answer. I have resided in Napa and Sonoma ever since 1849; I have been at the mines a month or two in this time.

Cross-examined by Mr. Cunningham.

1st question. Do you own or claim any land; if yea, under what title?

Answer. I own land by deed, derived from Salvador Vallejo.

2d question. Are you a member of an association called the Settlers' League, or any other, which has for its object the protection of the assumed claims of settlers, against those holding under Spanish or Mexican titles, or do you know of the existence of any such association?

Answer. I am not a member of any such association; I have heard that there is such an association, but I have no personal knowledge of any; and from report, I should think that there is an association of the kind.

3d question. Do you hold any claim under a pre-emption right, or adversely to any Spanish or Mexican grant?

Answer. I hold a claim under a pre-emption right; Mr. Yount claims the land, but I do not know whether it is on his land or not, and I do not suppose that he knows whether it is his or not, until there is a survey of it made by the United States.

(Mr. Cunningham objects to this deposition as evidence, on the ground of the witness being interested in opposing California claimants generally.)

(Signed) WILLIAM A. RECTOR.

Subscribed and sworn to before me this 29th June, 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jose Castro.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came José Castro, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Marshall, Attorney for Claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is José Castro; my age is 46 years; and I reside in the county of Monterey.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo and José de la Rosa; if yea, how long have you known them; do you know their character for truth and veracity; is it good or bad; and judging from such character, would you believe them under oath?

Answer. I am acquainted with the said persons, and have been with the said Vallejos all my life, and with the said Rosa upwards of twenty years; I am acquainted with the characters of all of them for truth and veracity; it is good, and they are distinguished, particularly the said Vallejos, for their general good public deportment; they are honorable men, and I would believe them under oath; and for me their simple word would be sufficient.

3d question. Did you hear the testimony given in this case by José S. Berreyesa in relation to the character borne by Gen'l Vallejo among the Spanish people; if yea, is that testimony true or false?

Answer. Independent of this case, Berreyesa may have declared the truth; but so far as it has any reference to this case, I think he has testified under some grievance, and therefore I could not endorse his testimony.

(This answer objected to by law agent as incompetent.)

4th question. Look at the document now shown you, marked "A. P. L.," exhibited to deposition of José Castro, Oct. 4th, 1854, &c., and state whether or not you have examined the original thereof in the office of the U. S. surveyor general, and when; and also whether you had ever seen the original of pages numbered 4, 5, and 6 in this said Exhibit A. P. L., before you saw it in the said surveyor general's office; if yea, when, and where?

Answer. I have examined the said document marked "A. P. L.," and the original of which I have examined in the office of the surveyor general of the United States for California; I think the original of the said pages numbered "4, 5, and 6" was shown to me in a private office by two attorneys, in the month of February or March, 1853, in the city of San Francisco, and I am certain that the said original of these said pages, numbered 4, 5, and 6 in this exhibit, is the same document which was so shown me by the attorneys.

5th question. Do you know whether any extraordinary sessions of the departmental assembly of California were held in the latter part of the year 1845, or about that time?

Answer. During the first months of the year 1846, I recommended the governor to call an extraordinary session of the said

assembly to take measures for the defence of the country; I suppose it was assembled, but I do not know it to a certainty—the governor exercised his own discretion in regard to such matters; I recommended it as commanding general of California.

Cross-examined by Mr. McKune.

1st question. What has been your business for the last two or three years, and about how many depositions have you given before this commission since its establishment?

Answer. My principal business during the last two or three years has been that of trading in cattle, buying and selling, and I do not know how many depositions I have given before this commission; I have sold during the said time about 3,000 head of cattle in San Francisco, and some 700 head in the mines; and I have cut cord-wood to sell in Monterey; in fine, I am a laboring man.

2d question. Have you ever resided in the vicinity of Sonoma?

Answer. I never have.

3d question. Has not your knowledge of Vallejo's character been of a public nature, and have you not acted together in many transactions, and are you not now interested together in business matters?

Answer. My knowledge of his character has been of a public character; while he was commanding general I was subject to his orders, and while I was commanding general he was subject to my orders; we never have acted together in any transactions, neither are we now interested together in any business matters.

4th question. Were you acquainted with the members of the departmental assembly in the years 1845 and 1846, and were you usually advised of their sessions; were their sessions public, and a matter of public notoriety?

Answer. I was acquainted with the members of said assembly in the said years; it was not usual to advise me of their sessions, except the secret sessions; their sessions were public, and a matter of public notoriety.

5th question. Why, and how did you recommend that a session of that assembly should be called early in 1846, and how early was it?

Answer. In consequence of an approaching war I addressed an official communication to the governor on that subject for the purpose above stated; I cannot remember the exact date of it, but I think it was about the last days of 1845, or the first days of 1846.

6th question. Were you present at any of the sessions of 1845 or 1846; if yea, at what sessions?

Answer. I was not present at any of the sessions, either of the said years.

7th question. How long was it before the meeting of the first session of the assembly in 1846, that you addressed the said note to the governor to call a session?

Answer. I do not remember; it was in the latter months of 1845, or the first months of 1846; I cannot say anything positively with regard to the matter.

(Signed) JOSÉ CASTRO.

Subscribed and sworn to before me this 29th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON *Com'r.*

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Ambrosio Carreras.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Ambrosio Carreras, a witness in behalf of the claimants, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Ambrosio Carreras; my age 31 years; and I reside in the rancho de Garcia, in Marin county.

2d question. Are you acquainted with Rafael Guirado; do you know his character for truth and veracity; is it good or bad; and judging from such character, would you believe *them* on oath?

Answer. I am acquainted with the said Guirado, and I am acquainted with his character for truth and veracity by hearsay; from what I have heard on the same ranch on which I live, it is bad; and judging from what I have heard said of him, I would not believe him under oath.

3d question. Where has the said Guirado been staying for the last three or four months.?

Answer. I do not know.

Cross-examined by the U. S. Law Agent.

1st question. What did the persons you have heard speak ill of the said Guirado say about him that would induce you to disbelieve him under oath?

Answer. I have heard them say he was a defrauder and violated his contracts.

2d question. What contracts did they say he had violated and whom defrauded?

Answer. Rafael Garcia and his household have said that he had

deceived them; that he had not complied with his contracts with said Garcia; from them I learned it.

3d question. Is that the basis from which you form your opinion of his character for truth and veracity?

Answer. I have no other.

4th question. How long have you known said Guirado and his reputation?

Answer. I have known said Guirado about a year, and I learned his character when I came to the said rancho about a year ago.

(Signed) AMBROSIO CARRERAS.

Subscribed and sworn to before me, this 29th day of June, A. D. 185 .

(Signed) R. AUG. THOMPSON.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Geo. C. Yount.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 29th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came George C. Yount, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent present.

Questions by Mr. Marshall.

1st question. What is your name, age, and place of residence?

Answer. My name is George C. Yount; my residence Napa county, and my age is 61.

2d question. Are you acquainted with Gen'l M. Vallejo, Salvador Vallejo and José de la Rosa; if yea, how long have you known them, and are you acquainted with their character for truth and veracity in the community where they reside; is it good or bad; and judging from such character, would you believe them under oath?

Answer. I have known them since the year 1834, now 20 years. As to de la Rosa, it may be since 1835, when the colony came from Mexico; I am not positive as to year, whether it was in 1834 or 1835. I am acquainted with their character in the community where they reside; it is good, so far as I know, and I would believe them under oath.

3d question. Did you ever know or hear of José de la Rosa having a grant of land; if yea, when did you first hear of it, and where was the land situated?

Answer. All I know of it is this, that about the time of the raising of the Bear flag, either before or after—*I* may be before; so it strikes me; I am not confident—I heard a conversation between Salvador Vallejo and José de la Rosa, in Sonoma. Salvador asked de la Rosa when he was going to his ranch; I asked de la Rosa if he had a ranch, and whose it was. I am not sure how I put the question, it is so long since. He told me he had a ranch, and, to the best of my belief, he told me it lay between Baca and Bidwell's ranch, and that it was called "Pulpones" or "Pulpines," I am not certain which—an Indian name.

4th question. When was the Bear flag raised in Sonoma?

Answer. In the year 1846.

Cross-examination by the U. S. Law Agent, John H. McKune.

1st question. Do you claim any land under a Mexican grant; if yea, how much and what is it called; where is it situate, and has either of the brothers Vallejo or de la Rosa testified in favor of your claim?

Answer. My grant lies in Napa valley, about ten miles above Napa city; I have another grant, on the top of the mountain, called Iota, which the government gave me for building a mill; the first water-mill on that side of the bay. My ranch is called "Kaymose," and all the above named gentlemen have testified in favor of my claim.

2d question. Did you not, by the evidence of Gen'l Vallejo or Salvador Vallejo, attempt to prove that the map filed in your case as a part of the espediente was forged or altered?

Answer. Not to my recollection, I did not.

3d question. Look at the deposition of Salvador Vallejo, in case No. 243, wherein you are claimant, filed May 28, 1852, and read his answer to question 6th in his direct examination, so that the commissioner can reduce it to writing, as an answer to this question.

Answer. (Here, the witness not being able to read, the answer was read by claimant's attorney, as follows): "The four black lines, forming a square and separating the drawing, representing the said rancho from the margin of the paper upon which it is drawn."

4th question. Is that answer of Salvador Vallejo to said 6th question true or not?

Answer. He must have made a mistake, because the way in which judicial possession was given was from one foot of the mountain to the other part of the mountain, and from the way the mountain is represented on the map, my boundaries would take in part of the mountains.

5th question. Look at the question propounded to Gen'l M. G. Vallejo in said case No. 243, in which you are claimant, which is

as follows: "Question. Say what lines drawn upon the map in Exhibit D embrace or contain the land which you have stated Yount, the claimant, occupied," and the answer thereto, as follows: "Answer. The black lines around the margin of the map contain the land," and state if he swore correctly; state also how it happened that both the brothers made the same mistake in so material a part of their depositions.

Answer. There were no regular surveyors at that time, and the surveys were mere guess-work; my land lies inside of the black lines, but does not extend to them, as it is only from one foot of the mountain to the foot of the other.

6th question. Are you acquainted with Stephen Cooper, formerly a resident of Green Valley, Solano county; if yea, did you visit him at that place in 1853?

Answer. I am acquainted with said Cooper; I did visit him once about that time, but I am not positive as to the time.

(The witness is informed by the law agent that the following questions are propounded to him with a view of impeaching his testimony, if his answers are not correct):

7th question. Did you not visit said Cooper more than once at his said residence?

Answer. I do not recollect whether I visited him once or twice or three times; I cannot tell; I do not keep a record of these visits.

8th question. Did you have a conversation at the house of said Cooper in the presence of Cooper, Mr. Smith, sometimes called Peg-leg Smith, and others, in which the lands claimed in this case were spoken of, and they were called "Helo Chemuck?"

Answer. I do not recollect of any such conversation.

9th question. Did you not take said Smith to the house of Mr. Cooper in your own carriage, and remain there during the night?

Answer. I do not recollect; I may have done it, for I frequently take persons in my carriage. On further consideration, it strikes me that I did take him *him* there in my carriage, but I am not confident and cannot be positive.

10th question. Are you acquainted with L. W. Hastings; if yea, did you ever have any conversation at the house of said Cooper about his location of lands on part of the land claimed in this case, and what was that conversation?

Answer. I am acquainted with said Hastings; I do not recollect of any conversation about the location of lands; he told me something about putting up a house on the Montezuma hills, I think, and something about what he was going to do, but I do not recollect distinctly what the conversation was; I remember having sold some flour to said Hastings, but I cannot tell what he did with it.

11th question. In what year did you have that conversation with said Hastings?

Answer. I do not recollect the year.

12th question. From whom did said Hastings procure the Indians when he built his house?

Answer. Said Hastings got some Indians from my house, which he said he wanted to build his house.

13th question. Did you ever sell wheat or flour to said Hastings in two different years?

Answer. I do not recollect of having sold him flour but once; I may have sold him more than once, but I do not recollect; I rather think I have sold him more than once, but cannot say how often.

14th question. Did you at that time tell said Hastings that José de la Rosa had a grant on that land, and why did you not tell him so?

Answer. I do not recollect.

15th question. Did you have a conversation at the home of said Cooper, about said house built by Hastings near Montezuma, and was there anything said about the settlement of a portion of this land by Cooper or his sons?

Answer. I do not recollect.

16th question. Did not said Cooper say at a conversation with you in 1853, that he intended that his sons or had sent his sons to take pre-emptions for them and himself, and that he himself would have sufficient school warrants to locate, so as to secure a comfortable home, as his land was mortgaged?

Answer. I do not recollect; I have heard that Cooper squatted at Mare island.

17th question. Did you ever, at any conversation in the house of said Cooper, say that you were surprised that the lands in this case claimed should have remained vacant so long?

Answer. I do not recollect what passed.

18th question. If you had heard José de la Rosa say in 1846, that he had a grant for said land, would you have said that you were surprised that these lands should have remained vacant so long in 1853?

Answer. I do not recollect the conversation; I do not know whether it ever passed or not; I did not know whether he (de la Rosa) would ever put his claim in; I know only what I heard him say.

19th question. Do you know where the corners of your ranch called "Caymus" are?

Answer. I do.

20th question. How long have you known them?

Answer. Ever since they were put there, when judicial possession was given.

21st question. Have you not testified within the last four years that you did not know where the corners of your ranch were?

Answer. Not to my knowledge.

22d question. Could you have so testified without knowing it?

Answer. Of course I could not; but I do not recollect.

23d question. Where were you when you heard de la Rosa in 1846 say that he had a grant for that land?

Answer. It was in Sonoma, but I do not know the exact locality; it was in the town of Sonoma, as well as I can recollect.

24th question. How often since you heard that conversation have you called it to your recollection?

Answer. I cannot say; it is impossible for me to recollect.

25th question. Have you ever spoken of it to any one since you heard it? if yea, name the persons and each of them.

Answer. I have spoken to some persons, but I cannot name any at present?

26th question. Say the time and place; and if you cannot tell, how do you know that you told it to any person?

Answer. Some time since the claim was put before the commission, some persons, who I told were settled on the land, came to me and asked me if I knew about that claim; I told them the conversation that I had heard between Salvador Vallejo and José de la Rosa, but I knew nothing further—that I did not know whether the land had ever been occupied by de la Rosa or not.

27th question. Did any person apply to you more than once to ascertain what you would testify in the case?

Answer. I do not recollect that they ever came more than once.

28th question. Did you ever mention the conversation of de la Rosa, referred to, any person prior to the time when you were visited for that purpose; if yea, to whom?

Answer. There is no doubt but what I did; but I cannot say to whom.

29th question. Why have you no doubt that you mentioned it?

Answer. Because the conversation which I heard between da la Rosa and Salvador Vallejo was in my mind; and if the question ever came up I must have mentioned it.

30th question. Did that subject ever come up in conversation at any other time than when you were visited as before related?

Answer. I do not recollect.

31st question. Can you now state positively any particular occasion on which this conversation between Salvador Vallejo and de la Rosa was called up in your recollection prior to the time you were visited on that subject; if yea, on what occasion? and state whether there was anything in the remark which would impress itself so indelibly on your mind.

Answer. I cannot state positively any particular occasion.

32d question. Did de la Rosa ever act as cook for you, or as any other menial servant?

Answer. To the best of my knowledge, I believe said de la Rosa took charge of my mill at the time of the Bear flag revolution, and

when he did so he cooked his own meals, and perhaps cooked for me sometimes when I came there.

33d question. Had he, de la Rosa, any property during the time you knew him; if yea, what?

Answer. I do not know what he had; part of the time he was in the Mexican service, printer to the government; I saw him in campaigns.

(Signed) GEORGE C. YOUNT.

Subscribed and sworn to before me June 29th, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office June 29th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Andrew Preston.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 30th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Andrew Preston, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

Counsel for claimant is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Andrew Preston; my age is 45 years; and I reside in Napa county.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo and José de la Rosa, and with the general reputation of each in the communities in which they reside; if yea, is it good or bad; and judging from that reputation, would you believe them under oath?

Answer. I knew M. G. Vallejo and Salvador Vallejo personally, but not José de la Rosa personally, and I know their reputations for truth and veracity in the communities in which they live; it is bad, and from that reputation I would not believe them under oath.

Cross-examined by Claimants' Counsel.

1st question. What is your occupation?

Answer. I am ranching at present.

2d question. By what claim or title do you hold your lands?

Answer. I am a squatter.

3d question. How long has it been since you learned that de la Rosa had a bad reputation for truth and veracity?

Answer. I have never heard him spoken of very highly; and have heard him spoken of more particularly as bad, during the last six months.

4th question. Did you ever hear that his character was bad in any other respect than as regards truth and veracity?

Answer. I have heard him spoken of as being a tool of Gen'l Vallejo and Salvador; this is within the last six months more particularly.

(Signed) ANDREW PRESTON.

Subscribed and sworn to before me this 30th June, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 30th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James A. Price.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 30th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came James A. Price, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows: Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is James A. Price; my age 25 years; and I reside in Sonoma.

2d question. Are you acquainted with M. G. Vallejo and José de la Rosa, and with their general character in the community in which they reside, for truth and veracity; if yea, is it good or bad; and judging from that general reputation, would you believe either of them under oath?

Answer. I am acquainted with them, and I know their general reputation in the community in which they reside for truth and veracity; that reputation is rather bad; and judging from that reputation I would not believe either of them under oath, if they were interested in any way.

3d question. State whether from their general reputation they are or not considered reliable men.

Answer. They are.

The counsel for claimant decline to cross-examine the witness.

(Signed) JAS. A. PRICE.

Subscribed and sworn to before me this 30th June, 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 30th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Fran'co Sanchez.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 30th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Francisco Sanchez, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

Mr. Jones, att'y for claimant, is present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Francisco Sanchez; my age 50 years; and I reside in the county of San Francisco.

2d question. Are you acquainted with Rafael Guirado; if yea, how long have you known him, and state also whether or not you know his general character for truth and veracity; is it good or bad; and judging from such character, would you believe him under oath?

Answer. I have known the said Guirado ever since the year 1846; I am acquainted with his said general character, which is good; and judging therefrom, I would believe him under oath.

3d question. Did you ever receive a letter from Gen'l Vallejo containing an offer to enter into some arrangements to obtain some land which really belonged to the government; if yea, what was the import of that letter?

(3d question and answer objected to by claimants' attorney, as proving the contents of a document not produced and filed in the case.)

Answer. I have received a letter in the handwriting and signed by Gen'l Vallejo, relative to lands at the old presidio of San Francisco; the substance of that letter is, that a great many persons were claiming lands in California, without having as much right as we, (himself and myself;) that I and he could avail (sacar) ourselves of lands at the old presidio of San Francisco, with titles much older than those of the other persons; I did not reply to his letter, but retained it in my possession.

Cross-examined by Mr. Jones for Claimants.

1st question. Have you not, within the last three or four months, told the Messrs. Luco or other persons that Guirado was a very bad man, and also that he had been a spy against the Californians for the American forces, and that you tried to catch the said Guirado in order to put him to death?

Answer. I have never heard him spoken of very highly; and have heard him spoken of more particularly as bad, during the last six months.

4th question. Did you ever hear that his character was bad in any other respect than as regards truth and veracity?

Answer. I have heard him spoken of as being a tool of Gen'l Vallejo and Salvador; this is within the last six months more particularly.

(Signed) ANDREW PRESTON.

Subscribed and sworn to before me this 30th June, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office June 30th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James A. Price.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 30th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came James A. Price, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows: Claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is James A. Price; my age 25 years; and I reside in Sonoma.

2d question. Are you acquainted with M. G. Vallejo and José de la Rosa, and with their general character in the community in which they reside, for truth and veracity; if yea, is it good or bad; and judging from that general reputation, would you believe either of them under oath?

Answer. I am acquainted with them, and I know their general reputation in the community in which they reside for truth and veracity; that reputation is rather bad; and judging from that reputation I would not believe either of them under oath, if they were interested in any way.

3d question. State whether from their general reputation they are or not considered reliable men.

Answer. They are.

The counsel for claimant decline to cross-examine the witness.

(Signed) JAS. A. PRICE.

Subscribed and sworn to before me this 30th June, 1855.

(Signed) R. AUG. THOMPSON, *Comm'r.*

Filed in office June 30th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Fran'co Sanchez.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 30th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Francisco Sanchez, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

Mr. Jones, att'y for claimant, is present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Francisco Sanchez; my age 50 years; and I reside in the county of San Francisco.

2d question. Are you acquainted with Rafael Guirado; if yea, how long have you known him, and state also whether or not you know his general character for truth and veracity; is it good or bad; and judging from such character, would you believe him under oath?

Answer. I have known the said Guirado ever since the year 1846; I am acquainted with his said general character, which is good; and judging therefrom, I would believe him under oath.

3d question. Did you ever receive a letter from Gen'l Vallejo containing an offer to enter into some arrangements to obtain some land which really belonged to the government; if yea, what was the import of that letter?

(3d question and answer objected to by claimants' attorney, as proving the contents of a document not produced and filed in the case.)

Answer. I have received a letter in the handwriting and signed by Gen'l Vallejo, relative to lands at the old presidio of San Francisco; the substance of that letter is, that a great many persons were claiming lands in California, without having as much right as we, (himself and myself;) that I and he could avail (sacar) ourselves of lands at the old presidio of San Francisco, with titles much older than those of the other persons; I did not reply to his letter, but retained it in my possession.

Cross-examined by Mr. Jones for Claimants.

1st question. Have you not, within the last three or four months, told the Messrs. Luco or other persons that Guirado was a very bad man, and also that he had been a spy against the Californians for the American forces, and that you tried to catch the said Guirado in order to put him to death?

Answer. I have not told the Lucos or any other person that Guirado was a bad man, because while he had charge of the horses of the American government he deported himself honorably; I never have said to any person that he had been such a spy; I have never said to any one that I tried to catch him to kill him, but I did seek to take him and the American horses, because he was with the Americans in 1846, and under the circumstances it was my duty to do so; it was not because he was a picare.

2d question. Has the said Guirado served as a witness in your behalf recently, or within the last few months, in a case before one of the state courts, for a certain lot of ground in the city of San Francisco?

Answer. He never has served as a witness for me, nor has he given any testimony in my behalf.

3d question. Did not the said Guirado give you important information in reference to the above mentioned lot of ground, which he, the said Guirado, stated that he had heard, by listening at the keyhole of the door of the office of Gen'l Vallejo, or in some other clandestine manner? If not in this wise, state how he stated he had obtained said information.

Answer. The said Guirado has never given me any information relative to the matter in question.

4th question. Have you been informed by your lawyer, or otherwise, that Guirado stated to him the information he obtained as aforesaid?

Answer. I have not been informed in any manner of the said information.

5th question. What is the date of the letter from Gen'l Vallejo, to which you refer in your answer to the 3d question in the foregoing direct examination, and where is that letter now?

Answer. I do not remember the date of said letter, nor the year in which it is written; said letter is now in my house, on my ranch, among my papers; it is dated between the years 1850 and 1855.

6th question. What interest have you in the lot of ground above referred to, now claimed by Capt. Frisbie?

Answer. The interest I have in said lot is, that it is mine.

7th question. Are you interested in disproving the marriage of "El Moro" to Tucumina, and have you not heard that M. G. Vallejo is a witness to prove said marriage?

Answer. I am interested in disproving said marriage, and that his real marriage was with Monica, to whom he was married in the mission of Dolores; I have been told that he has said something about that in this commission, but I do not expect to disprove it here, but in the courts.

8th question. Did you not, or your lawyer, hereafter intend to

use Rafael Guirado as a witness in said case, and have you not had conversations with him for that purpose?

Answer. I have not so conversed with said Guirado, and if it is my intention or that of my lawyer, it is not proper for me to state it here.

9th question. Has not Rafael Guirado given you information, or your lawyer, in regard to the marriage or pretended marriage of Jacinto el Moro with Guadalupe Tecumina?

Answer. I have already said that he has given me no such information, and my lawyer can state whether he has received such information from him.

10th question. Have you ever heard in any way, either directly or indirectly, that the said Guirado would serve as a witness in your behalf in the said case?

Answer. I never heard it in any manner; Guirado has never told me anything about it, nor have I needed him as a witness; my case has not come on yet.

11th question. Have you not been informed by your lawyer, or some other person or persons, that it would be to your interest to sustain the character of Guirado?

Answer. I have not; I sustain it, because when I come into court to swear, I swear the truth.

12th question. How often have you seen Guirado since he left the service of Gen'l Vallejo in February last?

Answer. I have often seen him here in San Francisco since that time.

13th question. Have you never, in conversation with him, mentioned the subject of Jacinto el Moro's marriage to Tecumina, or has he to you?

Answer. I have never so mentioned said matter to him nor he to me; all I know about it, I learned in a suit that was brought against me.

14th question. Do you know what Guirado's occupation has been, and where he has been living, for the last three or four months?

Answer. I do not know what his occupation has been; I have seen him here, and he lives in the hotels.

Re-examined by the U. S. Law Agent.

1st question. Do you recollect that the character of Gen'l Vallejo was called in question by Gov. Micheltorena during his government; if yea what was done in relation to the matter, and what was the result?

Answer. I have heard it said that Gen'l Vallejo had a difficulty with Benito Diaz, which was tried before Gov. Micheltorena; I do not know what the result of it was.

2d question. Are you acquainted with the character of Gen'l M.

G. Vallejo for truth and veracity in the community in which he resides; if yea, was it good or bad; and judging from that public reputation, would you believe him on oath?

Answer. I am not; I have never been at Sonoma but once, in 1838; I then passed through there.

(Signed) FRANCISCO SANCHEZ.

Subscribed and sworn to before me this 30th day of June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 30th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. C. McCracken.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *June 30th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came J. C. McCracken, a witness in behalf of the United States, in case No. 813 on the docket, who, being sworn, deposed as follows:

The claimants' counsel is present.

Questions by J. H. McKune, Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is J. C. McCracken; my age 40 years; and I reside in Sonoma valley.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo and José de la Rosa, and with their reputation for truth and veracity in the communities in which they reside; if yea, is it good or bad; and judging from that reputation, would you believe them under oath?

Answer. I am acquainted with them; I have heard a good deal spoken of the Gen'l of late years, but not much of the other two; I have known said Gen'l Vallejo nearly seven years, and I heard but very little said about him as against his character, until with the past few years. In my personal dealings with him I found him straight; his general reputation, by report, during those years, is not very good, but I know nothing of it by my own knowledge; under these reports I would have my doubts as to believing him under oath. I have heard some reports in the community in regard to Don Pepe's character as aforesaid, and I would have some little doubts as to him under oath.

Counsel for claimants declines cross-examination.

(Signed) J. C. McCRACKEN.

Subscribed and sworn to before me this 30th June, A. D. 1855.
(Signed) R. AUG. THOMPSON,
Com'r.

Filed in office June 30th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Dixon.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June* 30, 1855.

This day, before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, came John Dixon, a witness in behalf of the United States, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

Mr. Jones, attorney for claimants, is present.

Questions by Mr. McKune, U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is John Dixon; my age 25 years; and I reside in Sonoma, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa, and do you know their reputation for truth and veracity in the community where they reside; is it good or bad; and judging from such reputation, would you believe them under oath?

Answer. I know the said Vallejos by sight, but I cannot say that I know the said Rosa; with respect to the said reputation of Gen'l Vallejo and José de la Rosa, I have heard it said that they had testified falsely in regard to some land claims; and with respect to Salvador Vallejo, I have never heard anything said with regard to his said reputation, that I at present remember; with regard to whether I would believe them under oath, or not, it is a question which I have never settled in my own mind, but I think it would be very difficult to accredit the testimony given by persons against whom such charges are alleged as against Gen'l Vallejo and José de la Rosa, and especially so in cases where their interests might be involved, and under these circumstances I cannot say positively whether I would believe them under oath or not; not having heard any charges made against the said reputation of Salvador Vallejo, I consider that I would have no right to discredit him under oath; the opinion I have formed with respect to the reputation of Gen'l Vallejo and José de la Rosa is based upon the general estimation in which their said reputation is held in the vicinity of Sonoma.

(Signed) JOHN DIXON.

Subscribed and sworn to before me, this 30th day of June, A. D. 1855.

(Signed) S. B. FARWELL,
Com'r.

Filed in office June 30th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Archibald Tennent.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *June 20th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Archibald Tennent, a witness in behalf of the claimant in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Marshall.

1st question. What is your name, age, and place of residence?

Answer. My name is Archibald Tennent; my age 35 years; and I reside in Sonoma city.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo and José de la Rosa; do you know their general character for truth and veracity in the community in which they reside; if yea, is it good or bad; and judging from such character would you believe them under oath?

Answer. I am acquainted with them. I know their general character for truth and veracity in the community in which they reside; the character of said Vallejo is good with honest and respectable men, but bad with those who have wronged them. Of José de la Rosa, I always believed him perfectly honest and harmless, and the most polite man I ever knew. I would sooner take their word than the oath of the man who would impeach them; I mean by this the two Vallejos. I have not had any business transactions with de la Rosa, to say the same of him, as he is too insignificant, but I would believe him under oath. I have taken his word, and he has fulfilled it.

3d question. How long have resided in Sonoma?

Answer. Since February, 1849.

4th question. What is your occupation or profession?

Answer. I am a medical man.

Cross-examined by U. S. Law Agent.

1st question. What business relations have you had with either of those men?

Answer. With Salvador Vallejo, I employed him to make

4638

5,000 adobes, and build the walls of a house with the same. He did so to my satisfaction, and I paid him; since then he has employed me on two occasions as physician, and paid me on the presentation of my bill. With Don Guadalupe I have had more transactions. He gave me a warrantee deed for 320 acres of land on the west side of Sonoma creek; there was a clause in it to the effect, that if it did not contain the 320 acres that the land should be added from that to the west side of it. In the mean time I sold it, making 1,700 dollars on the operation; the parties to whom I have sold it required the portion the deed called for, but upon having it surveyed there was found to be about 13 acres deficient, and an anterior grant overlapped me that much. Between the adjacent farms there was a portion still claimed by the Gen'l, and a neighbor of the man to whom I sold my portion, out of a spirit of vindictiveness, wished to deprive my purchaser of said portion. I was called upon to fulfil my contract, and I called upon the Gen'l accordingly. He told me that the party who wished to deprive my purchaser of it had offered him five hundred dollars for it. The Gen'l told me that this had been done, but he would give me the benefit of it, and that I could either take the five hundred dollars and make my terms, or that he would make the deed to my purchaser just as I pleased; I consented to this, and the deed was made to my purchaser. A short time previous to this I had a serious quarrel with the General—so much so that he offered to give me satisfaction any way I pleased. There are many other instances of the like generosity extant in Sonoma valley.

2d question. Who do you mean by "honest and respectable men," in your answer to your foregoing 2d question?

Answer. Men who have purchased in good faith from Gen'l Vallejo, and many others; James Cooker, Dr. Hill, John Hendley, Dr. Leavenworth, Jessie Beasley, Col. Hooker, Martin E. Cook, etc., etc., might be named, also Don Pedro Vasques, Mr. Miller, Clino Reynolds, Wm. Boggs.

3d question. Are you acquainted with Mr. Maupin, and is he one of those reputable men?

Answer. I believe him to be a perfect gentleman, but I believe him to be prejudiced against the Vallejos.

4th question. Do you consider yourself free from all prejudice in regard to the Vallejos?

Answer. I do, so help me God.

(Signed) ARCHIBALD TENNENT.

Subscribed and sworn to before me, this 30th June, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office June 30th, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Leon Chemin.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 2d*, 1855.

This day, before S. B. Farwell, one of the commissioners to ascertain and settle the private land claims in said State, came Leon Chemin, a witness in behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by Mr. Caskery for the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Leon Chemin; my age 41 years; and I reside in San Francisco.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo and José de la Rosa, and with their reputation severally in the communities in which they reside for truth and veracity; if yea, where, when, and how long have you known either of them; what are their said reputations, good or bad; and judging from it, would you believe either of them under oath?

Answer. I am acquainted with all of them. I know the reputation of each of them in the communities in which they reside for truth and veracity. I know them in Sonoma and Napa counties from 1851 to the present time. Gen'l M. G. Vallejo has not a very good reputation, and Salvador has a very bad one, more especially among the Spanish people; the said José de la Rosa has not a very good reputation, I mean their reputation for truth and veracity; and judging from their reputations aforesaid, I would not very easily believe them under oath.

3d question. Have you been intimately acquainted with said José de la Rosa; if yea, during the years you lived in Sonoma, what was his circumstances—what did he do for a living?

Answer. In 1851 he was working in Sonoma as a tailor, and he told me a good many times that he was very poor, and at the same time he offered to sell me very cheap some three or four lots he had in Sonoma city, because he could not pay the taxes, which amounted to six or seven dollars.

4th question. Have you ever had any conversation with said José de la Rosa in reference to ranchos; if yea, when was it, and what was the substance of it?

Answer. I had. The first conversation I had with him on this subject was in 1851, September of that year, in the road from Sonoma to Santa Rosa, near the ranch called Agua Caliente; he told me,

showing me the said ranch Agua Caliente, "I could have this ranch; Gen'l Vallejo offered it to me, but I have not this one. I have not any, because when Gen'l Vallejo offered me one ranch I told him I was not a farmer." That is all he said that time. In 1853, when I heard that said de la Rosa had a grant, I told him, "Now you are a rich man; you have got a ranch." He answered, "They say I have got a ranch, but I don't know what ranch they speak of, nor where it is." This conversation took place in Sonoma.

5th question. Do you know Victor Prudon; if yea, have you had any conversation with him in regard to this rancho of Ulpinas claimed in this case; if yea, what was the substance of it?

Answer. I am acquainted with him; I have had conversations with him in regard to said rancho. I told him that I thought this title was a fraud, and referred to the conversation I had with de la Rosa, which I have above narrated. The substance of what he said was that I had better be silent about it; that it was better to be in favor of the grantees of land than in favor of the squatters.

Cross-examined by Mr. Jones.

1st question. What has been your profession or occupation in California?

Answer. By profession I have been a clergyman, a Catholic priest.

2d question. Are you at present in the exercise of the functions of a Catholic priest?

Answer. I am not.

3d question. What are the reasons why you are not exercising the functions of a priest?

Answer. The reason is that I have had a difficulty with my bishop, and for this reason I left the ministry.

4th question. Will you state the nature of that difficulty?

Answer. I cannot, because it is a religious and ecclesiastical matter.

5th question. How long since you have been broken of your functions as a priest, and by whom?

Answer. Twenty months. I object to answer the last branch of this question, for the reason given in my fourth answer above.

6th question. Was the authority by which you were divested of your holy office exercised by Archbishop Alemany, of California?

Answer. I object to answer this for the same reasons.

7th question. Do you at present associate with your former clerical brotherhood?

Answer. I decline to give any answer for the same reasons.

8th question. Who was present when you had the above conversation with de la Rosa?

Answer. I was riding with him in the same carriage; no other person was present.

9th question. Would you be violating the rules of your church if you were to reveal the causes which led to your removal from the office of a Catholic clergyman?

Answer. I would. It is against the rule of our church to mix the temporal question with the ecclesiastical question.

(Signed) L. CHEMIN.

Subscribed and sworn to before me this 2d July, 1855.

(Signed) S. B. FARWELL,
Comm'r.

Filed in office July 2d, 1855.

(Signed) GEO. FISHER,
Secretary.

Deposition of John A. Sutter.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 3d*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came John A. Sutter, a witness in behalf of the United States in case No. 813 on the docket, who being duly sworn, deposed as follows:

The claimants' counsel is present.

Questions by U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is John A. Sutter; my age 63 years; and I reside at Hock Farm, Sutter county, Cal.

2d question. Have you seen the original document in the U. S. surveyor general's office, of which the document now here shown you purports to be a traced copy, marked "A. P. L," exhibited to deposition of José Castro, Oct. 4, 1854, and also to depo. of J. B. Alvarado, on the same day; if yea, are you acquainted with the signature of Pio Pico; and if so, are or are not his signatures appearing on said original the genuines of said Pico?

Answer. I have seen the original which is referred to in the question. I am acquainted with the signature of said Pio Pico. I have compared his signatures on the other papers, and they look to me different. This might be his signature, but I have not seen his P's made this way on the papers I have compared said original with, and not like those I have seen of his on other occasions from recollection. I cannot say for certain whether or not these are his

genuine signatures, but they look very different to me from the others.

Cross-examined by Claimants' Counsel.

1st question. Is it only the P's in the signatures of said Pico upon the original document of which you have spoken in which you perceive a difference from other signatures of said Pico?

Answer. It is.

2d question. Was Pio Pico in the habit of using more than one kind of P; if yea, how many kinds?

Answer. I have never seen them in other documents this way. He did not use more than one kind of "P's" that I know of.

3d question. With how many signatures of Pio Pico did you compare the signatures in said original document?

Answer. Three or four that I saw in the surveyor general's office.

4th question. Are you certain that those three or four signatures are genuine?

Answer. I am certain they are.

5th question. Who presented those three or four signatures to you for your inspection?

Answer. A gentleman in said office. I do not know his name.

6th question. Did you ever see Pio Pico write his name; if yea, how often, and how long since?

Answer. Once I saw him write his name. This was in February, 1845.

Re-examined by U. S. Law Agent.

1st question. Have you not frequently seen documents which you deemed authentic on which his signature was made; if yea, what reason had you for believing them authentic?

(Objected to.)

Answer. I have seen a good many. The documents came to me from himself, and I was well acquainted with his signature.

(Signed) J. A. SUTTER.

Subscribed and sworn to before me this 3d July, 1855.

(Signed) R. AUG. THOMPSON,
Commissioner.

Filed in office July 3d, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Benito Diaz.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 6th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to

ascertain and settle the private land claims in said State, came Benito Diaz, a witness in behalf of the claimants in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for Claimants.

1st question. What is your name, age and place of residence?

Answer. My name is Benito Diaz; my age 41 years; and I reside in the county of Monterey.

2d question. Are you acquainted with the handwriting of Governor Pio Pico, José Maria Covarrubias, and José de la Rosa, and their signatures, and have you seen them write and sign their names?

Answer. I am acquainted with the handwriting of said Pico and Covarrubias, and their signatures, and I have seen both of them write and sign their names. I am not acquainted with the handwriting or signature of said José de la Rosa.

3d question. Look at the document now shown you, purporting to be the original, of which the document marked "A. P. L.," exhibited to deposition of José Castro, Oct. 4th, 1854, and also to depo. of J. B. Alvarado, on the same day, is an authenticated traced copy from the office of the U. S. surveyor general for the State of California, and state whether the signatures of Pio Pico and José Maria Covarrubias, in the respective places in which they occur therein, are their true and genuine signatures?

Answer. I have examined the said original, which I now have before me, and I believe the said signatures of Pio Pico and José Maria Covarrubias, where they respectively occur therein, are their true and genuine signatures.

4th question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and Don José de la Rosa; if yea, how long have you known them; and do you know their reputation for truth and veracity in the community where they reside; is it good or bad; and judging from such reputation, would you believe them under oath?

Answer. I am acquainted with all three of the said persons, and have been for twenty years or more. I cannot say that I am acquainted with their said reputation in the community where they reside, because I never have lived there. I know their reputation from general hearsay. I have heard them spoken of both favorably and unfavorably, and I can assign no reason for disbelieving them under oath. I have never heard of their being perjurers, and therefore I should believe them under oath.

Cross-examination by U. S. Law Agent.

1st question. Did Gen'l Vallejo ever make any charges against you in the investigation of which his character was called in question? If yea, state the circumstances and result.

Answer. It is true that he has had a suit with me, occasioned by one Juan Soberanes, who went to prefer charges against me before said Vallejo, that I, in a social meeting, taking coffee, had said that he (Vallejo) was a thief, (ladron.) The said Vallejo, brought suit against me before the commanding gen'l, Manuel Micheltorena, demanding of me that I should prove the said charge; which I did not do, because I had not made the imputed accusation. The said Vallejos nevertheless insisted that I should prove it or give him public satisfaction, in which we could not agree. The commandant general then ordered that a summary investigation should be instituted, and I was ordered to be placed under arrest in my own house. A few days after I was set at liberty, being informed that the summary had been stopped.

(Signed) BENITO DIAZ.

Sworn to and subscribed before me July 6th, 1855.

(Signed) *GEO. FISHER, Sec'y.*

Filed in office July 6th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of A. J. Cox.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July* 6, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came A. J. Cox, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for the Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is A. J. Cox; my age 31 years; and I reside at Sonoma, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa; and do you know their general character for truth and veracity in the community where they reside; is it good or bad; and judging from such character, would you believe them under oath?

Answer. I am acquainted with the said three persons, and know their general character for truth and veracity in the community where they reside, and so far as my knowledge extends it is good; must be good, for I know nothing bad against them; and judging from such character, I would believe all of them under oath.

Cross-examined by the U. S. Law Agent.

1st question. How long have you lived at Sonoma, California,

and in what business have you been employed while there? and state what business transactions, if any, you have had with the aforementioned persons, or either of them.

Answer. I have lived there ever since 1847. I went there as a soldier in Stevenson's regiment, and since then I have been a merchant, and have been for three years, and am now, editor of the Sonoma Bulletin. I have had no business transactions with either of them except very trivial affairs, which my memory does not now serve me sufficiently to state.

2d question. Is it not generally reputed in the county of Sonoma that those men have been in the habit of swearing falsely before this commission in matters pertaining to land?

Answer. I do not know.

3d question. At whose instance did you appear here to testify in this case?

Answer. At the instance of Mr. Jones; I was brought here for the purpose by Mr. Marsh; or rather, I learned from the newspapers the attack was being made upon the character of said persons, and partially volunteered my services as a witness in behalf thereof.

A. J. COX.

Subscribed and sworn to before me this 6th day of July, 1855.

R. AUG. THOMPSON, *Com'r.*

Filed in office July 6th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Thomas O. Larkin.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 6th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Thomas O. Larkin, a witness in behalf of the claimants, in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, for Claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is Thomas O. Larkin; my age 52 years; and I reside in San Francisco.

2d question. Are you acquainted with General Vallejo, Salvador Vallejo, and José de la Rosa? If yea, how long; and do you know their reputation for truth and veracity; and judging from such reputation, would you believe them under oath; and will you state

your knowledge of them derived from your long residence in California?

Answer. I became acquainted with M. G. Vallejo about 1833. From that year until 1850 (when I left California) I knew him intimately in every phase of life, in every variety of position, from a cadetship, without funds, without a house of his own, to the command of the California forces, with house that covered 3 or 4 acres, and ranchos with 25,000 head of horses and cattle. For many years he was commandant of the frontiers of Sonoma, the cavalier of that district, the patron and protector of all who settled there; his house was the home, his table the hospitable board of the travelling merchant, botanist, geologist, and explorer of new countries; their presents in paintings, military equipages and equipments, the articles of arts and sciences that adorned his parlors and drawing-rooms, indicate the estimation those gentlemen held their host; while every respectable stranger was entertained in house, another class were fed from his cattle slaughtered day by day for their consumption. As an officer, he was strict, proud, but affable to his soldiers; as a citizen, he was distant, reserved, but benevolent to those of a lower station who were brought in contact with him, in particular in choosing locations of land and loaning mares and cattle to those who were applying for ranchos within his district; but his reserved manner and general demeanor towards those he thought below his station in life were such as to make him enemies among those who were not well acquainted with his character. His highest ambition and aspiration was to be a gentleman to his foreign guests, a man of more note and intelligence than his countrymen—to be known abroad, as well as at home, and that his children should be possessed of every accomplishment, and in the daily practice of every domestic duty. His extensive operations caused him to be often in debt to the supercargoes of those days, but none left the coast with a debt of his undischarged. I have made verbal contracts with him for property when it was worth hundreds of dollars, which when completed months after, the same was worth as many thousands, but there was no murmur or objection on his part. I believe that a proud man may be mean and false, but not when so proud and generous as Señor Vallejo has been; his open nature, his former belief in the general integrity of mankind, his wish to oblige claimants before this board with the benefit of his extensive knowledge of matters and things in California prior to 1846, has caused him to devote so much of his time when on a visit to San Francisco in giving testimony for them, that he often became fatigued in body and disgusted in mind with the slowness of process and variety of irrelevant questions under such circumstances for four years. I should suppose that he may have made slight errors among such a mass

of evidence as he has given in this court, but not knowingly or willingly. Knowing said Gen'l Vallejo as I have described him, I should believe him in any serious statement, and particularly on oath. I am confident that gentlemen in California of my acquaintance, who have known him even half the time that I have, are of my opinion of his character, and believe him a man of truth and honor.

I have been acquainted with Salvador Vallejo over 15 years; never had full intimacy with him as with his brother; never much in contact with him in common, nor in any manner, only in a light, trifling way, in conversation, which arose from his general manner, at least towards me. I should believe him on oath; do not know whether his acquaintance in general would or not; it has not been in my way to know. I have known José de la Rosa 15 years or more; never had any business or close connection or intimacy with him in any manner; my conversations with him have been of the most simple class, such as passing the time of day, asking how he had been, how he was, and how he expected to be, and if his friends were equally as fortunate. I always considered him as a good, well-meaning man, careful not to give offence, anxious to be conciliatory, playful and amiable, conscientious, and of a religious feeling, and rather simple train of mind, harmless, and incapable of willingly doing wrong to any one by word or act. I do not believe he would knowingly take a false oath. I can form no opinion what other people might think of him in this respect; during the time I have known him and Salvador Vallejo there has been an interval of 2 or 3 years at different periods that I did not see them, as our residences were then 150 or 160 miles apart.

3d question. Have you examined in the office of the surveyor general for California the original title papers in this case, of which the document marked A. P. L. exhibited to deposition of José Castro Oct. 4, 1854, and also to deposition of Juan B. Alvarado on the same day, purports to be a certified traced copy? If yea, state whether the signatures of José de la Rosa, J. M. Covarrubias, and Pio Pico, as they respectively occur in said document, are the true and genuine signatures of said persons.

Answer. I have examined the above named document in the U. S. surveyor general's office; I remember nothing respecting the signature of de la Rosa. I have often seen signatures purporting to be those of Pio Pico and Covarrubias. I have received official letters from Pico as U. S. consul in 1845 and 1846, but do not remember to have seen him write. I am not acquainted with the signature of Covarrubias to decide on this one, only that it occupies much room, as I have seen in other signatures of his. The large and roundish dash of the upper part of the letter "P" in Pico's signature appears too large to me. The governor's seal of

State in this document appears to me to be genuine. I do not think that Pio Pico had the original seal after the middle of August, 1846, as it was from that date to some time in 1847 in possession of J. C. Fremont as commander of the U. S. land forces in California at that time.

Cross-examined by the U. S. Law Agent.

1st question. Were you in the years 1845 and 1846 acquainted with the books in the office of the secretary of government of California, and familiar with the proceedings of the departmental assembly for those years; if yea, how many books were kept in the office for noting the issuance of grants, and would you be able to recognise the book so kept for that purpose for the years 1845 and 1846?

Answer. I was acquainted with the books as much as a person could be who had no employ in the office, and in those days I noticed them more for curiosity than interest. I was particularly acquainted with the proceedings of the departmental assembly, but only in a general way. I think there was but one book kept for the entry of the issuance of grants. I think in the book a brief notice of form, about eight to ten or twelve lines, was made of every grant. I should know the book in which such notes were made up to the year 1845. I have a distinct recollection of seeing on the last page, or the last but one, in Micheltorena's time, three or four lines in the handwriting of Jacinto Rodriquez, of a rancho granted to him.

2d question. Look at the book now here shown to you from the U. S. surveyor general's office for California, being the same to which reference was made in the deposition of José Ma. Covarrubias in the direct re-examination therein on the 5th day of July, 1855, and state whether that was the only original book kept in the office of the secretary of the government of California for that purpose for those years, and also state your means of knowledge.

Answer. I have said in answer to the preceding question there was only one book, and I believe this to be the same book to which these referred. I have no recollection of there being any other book for the purpose of recording. I saw this book in the secretary's office in the time of Micheltorena; I also saw it in the month of August or September, 1846, in the archives of California, at the time they were given up to the American forces.

3d question. Who was the secretary of the government previous to José Maria Covarrubias, and what clerks had he in his office?

Answer. I think Don Manuel Jimeno was secretary up to March, 1845; Francisco Arce was his clerk. I do not think there was any other in commission.

4th question. Who was secretary after Covarrubias left in February, 1846, for Mexico, and what clerks had he in his office?

Answer. As Los Angeles was at that time the seat of government, and I lived in Monterey, I have no recollection of the matter in question. I have in my possession a list of all the civil and military officers in January, 1846, taken from the government archives, but I cannot mention their names from memory.

5th question. Was it usual for the governor in issuing grants first to refer the petition of the interested party to some local officer to report whether the land asked for was vacant and grantable?

Answer. It was universally the case; I have had occasion to apply for grants in behalf of other parties, and invariably found that to be the practice.

6th question. Are you acquainted with José de la Rosa; if yea, how long have you known him, and in what has he been employed since you first knew him?

Answer. This answer, so far as it has reference to my acquaintance with said Rosa, may be found in my answer to the 2d question in the direct examination herein. Some twelve or fifteen years ago, when he lived in Monterey, he was a printer in the government employ; for many years he has been living in the town of Sonoma, in the county and jurisdiction of Sonoma, and what his business was there I do not know.

Re-examined by Mr. Jones, Attorney for the Claimants.

1st question. Are you—

(Further examination declined by the attorney for the claimants.)

THOMAS O. LARKIN.

Subscribed and sworn to before me this 6th day of July, 1855.

R. AUG. THOMPSON,
Comm'r.

Filed in office July 6th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Jose M. Covarrubias.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 2d*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came José Ma. Covarrubias, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposes as follows:

The United States law agent is present.

Questions by Mr. Jones, Attorney for Claimants.

1st question. What is your name, , and place of residence?

Answer. My name is José Maria Covarrubias; my age 47 years; and I reside at the port of Santa Barbara, California.

2d question. Look at the document now shown you, purporting to be the original of which the document marked "A. P. L.," exhibited to deposition of José Castro, Oct. 4th, 1854, and also depo. of J. B. Alvarado, on the same day, is an authenticated traced copy from the office of the U. S. surveyor general for the State of California, and state when and under what circumstances you first saw said document.

Answer. I have looked at said document; the first and second pages, which contain the petition of José de la Rosa, and the decree of the governor, I saw when the said decree of the governor which appears on the margin was written, for the decree was written by myself at the time it bears date; the fifth, sixth, and seventh pages on said document, which contain the title or grant to José de la Rosa, made by Pio Pico, I also saw at the time it bears date, for the body of said instrument or grant was written by myself at the time it bears date, and signed by the governor, Pio Pico, and myself as secretary; the approval of the departmental assembly, or rather the certificate of approval which appears on the ninth and tenth pages of the document now before me, I also saw at the time it bears date, for the body of said instrument of approval was written out by me, and signed by Pio Pico, and myself as secretary; I saw all of the said documents at Los Angeles, where the title was issued.

3d question. In what capacity were you acting when you signed the said documents above referred to?

Answer. I signed them as secretary of the government of the department of the Californias.

Cross-examined by the United States Law Agent.

1st question. When and by whom were you appointed secretary of the department of the Californias, and how long were you retained in said office?

Answer. I was appointed secretary in 1845, and held my office until the month of February, 1846, when I left California for the city of Mexico; I was appointed by Governor Pio Pico, by written appointment; I left California for Mexico about the middle of the month of February, 1846.

2d question. Did anybody else act as secretary of the government during the time that you held the office; if yea, who was it?

Answer. There was only one secretary of the government authorized by law, and during the time that I exercised the functions thereof, I know of no other person that acted *acted* as secretary.

3d question. How many times and on what occasions have you seen the said papers about which you have testified since you said you signed them?

Answer. I saw said documents in the year 1853, when I was called upon to give my affidavit before a notary public, and also

some time during the present year that I saw them in the United States surveyor general's office in this city; I do not recollect of having seen said documents at any other time since the signing of them but on the two occasions above referred to, and now that they are before me.

4th question. Before what notary public did you make your affidavit in 1853, at whose instance did you make it, and what documents were exhibited to you, to which the affidavit applied?

Answer. I do not know the notary public's name before whom I made the affidavit; I made it at the instance of Juan M. Luco; the documents which were presented to me at the time I made said affidavit I believe are referred to in the affidavit, as well as I can recollect; I think that all the documents about which I have testified in my examination in chief were presented to me at the time I made said affidavit, but I cannot say very positively; I remember the espediente now shown to me was presented to me at the time I made the affidavit, but I do not recollect how many papers it contained.

5th question. What do you understand to constitute an espediente for a grant of land?

Answer. The petition, reports, and other documents which constitute the concession; there are different kinds of espedientes containing different kinds of documents; generally it was the custom to exclude the title from the espediente, and not to make it a part thereof.

6th question. Did you ever make more than one affidavit concerning the Ulpines claim? if nay, look at document marked "Exhibit No. 1 to the deposition of Henry W. Halleck," filed in this case, June 20th, 1855, and state whether that is the affidavit referred to.

Answer. To the best of my recollection, I believe I have not made but one affidavit; the document now shown me is signed by me. By seeing my signature attached thereto, I think that is the affidavit that I made in 1853.

7th question. How do you identify the documents shown you from the surveyor general's office as the same you swore to in your affidavit?

Answer. I know that they are the same documents, because the title which was presented to me when I made my affidavit was seen by me at the U. S. surveyor general's office.

8th question. Look at the document marked "W. B. F., annexed to the deposition of Horace Hawes, and filed in this case May 17th, 1855," and say whether that is a copy, as near as you can recollect, of the papers referred to in your said affidavit.

Answer. I do not know whether it is an exact copy thereof, for I do not even recollect the precise terms of the original paper.

9th question. Do you recollect the words in the seal of the paper on which the said grant was written; if yea, what were they?

Answer. I believe that the words in the seal of the paper, used at the time of the grant referred to was made, were "Gobierno del Departamento de Californias."

10th question. What became of that seal?

Answer. I do not know.

11th question. Did you ever put that seal upon any other grant; if yea, upon what grant?

Answer. Such seal has been put upon other grants, but I cannot name any one in particular.

12th question. How many seals were used in the office of the secretary of the government at the time you were secretary; if more than one, in what were they different?

Answer. I recollect of only one seal being used in the office of the secretary, which is the one I have before mentioned.

13th question. Are you acquainted with Henry W. Haight and Horace Hawes, two lawyers in the city of San Francisco; if yea, how long, and how intimately have you known them?

Answer. I may have known these gentlemen, but I cannot think of their names; I know men by sight better.

14th question. Did you not tell the U. S. law agent, at the U. S. surveyor general's office, that you knew Horace Hawes by name?

Answer. I do not recollect whether I so told the law agent; I cannot recollect English names; the law agent might have described the said gentleman to me in some other way.

15th question. In whose possession was the espediente which was shown to you in 1853, when you made the affidavit referred to?

Answer. I think it was in the possession of said Luco.

16th question. At what place was the affidavit made?

Answer. I believe it was in an office near the building, or in the building itself, up stairs, where the post office now is, on Kearney street.

17th question. Had you seen that same paper in the year 1853, previous to the time when it was presented to you to make your affidavit; if yea, how many time , and in whose possession each time?

Answer. I do not remember to have seen it at any other time than when I wrote it and signed in Los Angeles.

18th question. Did Horace Hawes, or any other person, in the fore part of the year 1853, call upon you at your private room, in the city of Benecia, and exhibit to you a document concerning the rancho claimed in this case?

Answer. As I have already said, I do not know the said Hawes by name, and therefore I cannot say whether he presented me such a document or not, nor do I remember whether any other person did.

19th question. If any person had presented you a document concerning said claim, and you had seen your name upon the document, and pronounced it a forgery, is not your memory so tenacious that you must have remembered the circumstance?

Answer. In the year 1853, in Benecia, a certain gentleman who entered my room, whom I know by sight, but not by name, showed me a document, whereupon my name was seen, asking me if it was my signature, which upon examination I found not to be mine; I also remember that the person who presented me the said documents intimated to me something relative to José de la Rosa.

20th question. Did not the document so shown you purport to be a grant to José de la Rosa?

Answer. I did not inform myself of the contents of the document, but simply examined the signature to which my attention was called.

21st question. Was not that the same document which you afterwards swore to be genuine in your affidavit?

Answer. It was not.

22d question. How do you know it was not the same?

Answer. I know it, because the document which was presented to me at Benecia did not have my signature, nor was it in my handwriting.

23d question. In whose handwriting was the said document shown you at Benecia?

Answer. I do not know.

24th question. Look at document marked "Exhibit No. 1," H. H., annexed to the deposition of William A. Richardson, and filed in case No. 541 before the commission, on the 1st day of Feb'y, 1853, and say whether that exhibits the seal of the government during the time you were secretary of the government.

(24th question objected to by claimants' counsel.)

Answer. It appears to me that it is; it is a little blurred.

25th question. Why do you think that the said seal on the paper last shown to you is that used by the government during the time you were secretary? and state also whether your signature attached to said "Exhibit No. 1, H. H.," is genuine or not.

(25th question objected to by claimants' counsel.)

Answer. I think so, because I see it has the same configuration as that, and also some of the same letters; some of the letters do not show, and my signature on the said document is genuine.

26th question. Who delivered to you the petition of José de la Rosa for the grant of the land?

Answer. I do not recollect; I do not remember more that the regular course was given to it.

27th question. What was the regular course given to it?

Answer. It is that which should appear thereon.

27th question. Do you remember to have seen the petition of

said José de la Rosa before the governor entered the decree of concession thereon?

Answer. I did, because I wrote the decree of concession myself?

28th question. Who was present when you wrote said decree?

Answer. I do not remember.

29th question. Who directed you to write the decree?

Answer. The governor.

30th question. How long before you wrote it?

Answer. I do not know how long; it may have been on the same day, or one or two days ; I do not know whether it was a year or not.

31st question. Did the governor direct you as to the terms of the decree?

Answer. I do not remember.

32d question. Do you recollect distinctly the circumstance of his directing you to enter the decree?

Answer. I do not; but when I entered it, I did so by order of the governor, because it is so customary.

33d question. Did you ever write a decree before that one for the governor—if yea, what ones—or after?

Answer. It is very presumable that I did write others previous to this one, and probably others afterwards, but I cannot remember what ones; I distinctly remember to have written others, but cannot now remember what ones they are.

34th question. On what occasion have you written others, and upon whose application?

Answer. I do not remember.

35th question. Did you ever write a marginal decree upon any petition before it was referred to some local authority for report except in this case?

Answer. I do not remember.

36th question. Have you, during the last few days, had a conversation with Gen'l M. G. Vallejo and Pablo de la Guerra concerning the claim of Juan M. Luco et al., for the place called Julpines; if yea, what was the purport of that conversation?

Answer. With the said Vallejo I have not had any conversation with respect to this claim, with the exception of conversation relative to testimony that had been given in this case against his reputation; and with Don Pablo de la Guerra I have had a conversation, in which he told me that he had been summoned to give his testimony in this case, but that they had declined to take his testimony.

37th question. Did you not endeavor to get Pablo de la Guerra to give his testimony in this case in support of that which you were to give, and did you not inform him what your testimony would be?

Answer. No; in neither of the matters contained in the question.

38th question. At what time in the month of February, 1846, did you leave Los Angeles for Mexico, and on what business?

Answer. I left Los Angeles I think on the 14th day of said month; I went on the business of a commission from the government of Californias, near the supreme government of Mexico.

39th question. Who was your successor in the office of secretary? How long before you left did you inform the governor that you intended to resign? Was your successor appointed before you left, and who went with you to Mexico?

Answer. When I left for Mexico I had no successor with the character of secretary of the government. I did not resign the said office, nor did I inform the governor that I intended to do so; I went alone, excepting the passengers aboard the vessel.

40th question. Did Governor Pio Pico know your intention to go, and the business you were upon? Was your commission from the governor, and did you accomplish what you went for?

Answer. The governor knew that I was going to Mexico, because I was despatched by him with the said commission, and I fulfilled my commission.

41st question. Was your appointment to go to Mexico in writing, and did the governor deliver to you any written instructions relative to your commission? What was the import of such instructions?

Answer. I received a written appointment to go to Mexico, and received written instructions relative to my commission from the governor, the import of which were sundry petitions to the supreme government of Mexico with reference to the department of the Californias.

42d question. What clerks were in the office of the gov't of California in the month of December, 1845; who usually wrote the grants made in that month?

Answer. In the office of the secretary, under my charge, I, at the time to which the question refers, took charge of the issuance of the titles, and had two clerks to assist me in the business of the offices, one called Francisco Lopez, and if I do not mistake, Cayetano Arenas was the other; and when the business of the office was pressing, other persons also were employed to assist me.

43d question. Did you, in the issuance of grants, usually write out the grants yourself, or did you direct some clerk to do it?

Answer. Many times I wrote them, and at other times I directed the clerks to write them, according to the blotters which I delivered them.

44th question. Is there any espediente in the office of the surveyor general, in which case the grant was written by you; if yea, what ones?

Answer. Not having examined the archives of the surveyor general, I do not know what titles there may be found in my handwriting in the espedientes, with the exception of one, which I have seen in said office of Don José de la Rosa, which was presented to me in the said office by the law agent.

45th question. Do you now recollect distinctly of signing the title to José de la Rosa of Ulpines?

Answer. I remember distinctly of signing the title to José de la Rosa, which has been shown me in this examination.

46th question. Did you ever sign any other title for José de la Rosa?

Answer. I do not remember to have signed any other.

47th question. Who were present when you signed the one you referred to?

Answer. I do not know.

48th question. How long after you wrote the grant, before you signed it?

Answer. I must have signed it on the day it bears date; the titles are written on the same day of their date; I signed it after the governor had signed it; it was probably on the same day; it was customary to write out the titles, and send them to the gov. for his signature, and when they were returned they were signed by the sec'y; I cannot remember how many times it may have been after writing it that I signed it.

49th question. How long after you signed the said grant was it that you made a note of it in the proper book?

Answer. The note of it was made in the book on the same day that I signed it; I do not remember whether I or one of the clerks made it.

50th question. Do you remember that such a note of it was made at all; if so, how do you recollect it?

Answer. When I signed the note of it on the title, it was in virtue of its having already been entered in the book; and I was always careful to examine the book before signing the note, to see if it was entered; and in this way, I knew this note was made.

51st question. Did you enter a note of the issuance of any other grant on the same day that you made the entry of this?

Answer. I do not remember.

52d question. What matters were entered in the book referred to in the certificate of registry of the title to José de la Rosa, signed by you?

Answer. The date of the grant, the name of the grantee, name of the land and the extent thereof.

53d question. How long after you made the note of the said grant to José de la Rosa was it that you delivered it, and to whom did you deliver it?

Answer. I do not remember how long, nor to whom.

54th question. Did you have the petition before you, when you drew the grant?

Answer. I do not remember.

55th question. How did you obtain the description of land incorporated in the grant?

Answer. As in other cases, I probably took it either from the diseño or the petition; in this case I do not remember distinctly.

56th question. Do you distinctly remember the writing of the title in this case?

Answer. I do.

57th question. How can you distinctly recollect doing the writing, without recollecting your information on the subject, and upon which you acted in writing the grant?

Answer. The seeing of the title in my handwriting has revived in my memory the remembrance of the event, but I cannot affirm whence I derived the description and boundaries of the said lands.

58th question. Can you now remember any of the circumstances upon which you acted in making the grant?

Answer. I remember to have written the title in virtue of the decree of the governor, and of the petition of José de Rosa.

59th question. Was any interested party present at any of these proceedings in trying to get the grant?

Answer. I do not remember.

60th question. Did you ascertain the amount of money due José de la Rosa, before the grant was made in the office of the secretary?

Answer. I did not.

61st question. Would you not have been the proper officer to make the necessary inquiries in such cases, to ascertain the indebtedness?

Answer. No. I only complied with the orders of the governor; it was the duty of such officer as should be ordered by the governor to make such inquiries in these cases; I do not know whether it was customary to refer such matters to the secretary, as such business never came before me while I was secretary, but I think such matters belonged to a different department, to the commissary of the department.

62d question. What did you usually do with the petitions and other parts of the espedientes after you had issued the grants thereon; and what was the custom of the office generally, so far as you are acquainted with it, both before and after you were secretary?

Answer. The petitioners and the balance of the espedientes were archived in the archives of the government; this was the general practice before, while, and after I was secretary.

63d question. In this particular case, did you ever see the petition after you wrote the decree in the margin?

Answer. I have seen it in the archives of the surveyor general's office, and also here upon this table; besides these occasions I do not remember to have seen it.

64th question. Who had the custody of the archives in December, 1845; and who usually delivered the grants to the grantees?

Answer. According to law the archives were in the custody of the secretary, and generally, or by order of the governor or one of the clerks, by order of the sec'y, delivered the grants to the grantees.

65th question. Upon what documents was it usual to put the government seal?

Answer. It was usual to put it on the titles, decrees, communications, and other official documents.

66th question. Was it usual to put it upon the approval of the departmental assembly and the petitions of private parties?

Answer. It was customary to put the seal on the certificates of the approval of the assembly, and sometimes it was put upon the petitions of the parties.

67th question. In what instance and under what circumstances did you ever place the seal of the government on the petition of a private party; and do you not know that the seal of the government, issued by the government, was only used to authenticate a document issued by the government?

Answer. The seal was generally put on the petitions of private parties to the decree of the governor; the seal was used discretionally by the sec'y; it was sometimes put on envelopes.

68th question. Did the governor, in any instance, within your recollection, ever make a decree of concession in the margin of a petition of a private party for land, except on the petition of José de la Rosa? If yea, what instance can you name?

Answer. I know that he has done it in other instances, but I do not remember any one case.

68th question. Were there any other grants in the same book in which you noted that of José de la Rosa? If yea, about how many?

(This question objected to by claimants' counsel.)

Answer. I know there were other such notes in the said book, but I do not remember the number of them, nor the names of the grantees; it was entered in the book kept for that purpose at that time.

69th question. Look at document "A," "original grant," filed in case No. 604, before this commission, Stephen Smith claimant, for two fifty-vara lots in San Francisco, and state why the seal of the government was not placed on said document, and if the note of the issuance of said grant was made by you in the same book as the one issued to José de la Rosa for Julpines.

(Same objection as above.)

Answer. I cannot give the reasons why the seal was not put upon it, but suppose it was by an omission, and I suppose that note was made of it in the same book in which that of José de la Rosa was entered.

At 4 o'clock p. m., July 3d, the taking of this deposition was adjourned to July 5th, 10 o'clock a. m.

SAN FRANCISCO, *July 5th*, 1855.

11 o'clock a. m.—This deposition is resumed by the U. S. law agent, Mr. Jones, attorney for claimants, being present.

70th question. Into whose hands did you deliver the title after you had completed the execution?

Answer. I do not remember.

71st question. What do you remember about the delivery of it?

Answer. Nothing.

72d question. How does it happen that you can recollect so well the writing of the document without recollecting anything about its delivery, or at whose instance it was written?

Answer. I remember to have written this document in consequence of its having been shown to me, and recognising therein my handwriting, and absolutely cannot remember the circumstances of its delivery, nor whether I wrote it at the instance of any one, and that I only would do it by virtue of the decree of the governor.

73d question. How did you usually dispose of your grants after having completed the execution of them?

Answer. I usually placed them in the archives after having completed them.

74th question. Who had the power or right to withdraw these titles from the archives and deliver them to the grantees?

Answer. The secretary only had such power.

75th question. Did you ever withdraw an espediente from the archives and address it to the interested party; if yea, how many, and in what instances?

Answer. I do not remember to have ever withdrawn any espediente from the archives for the purpose of advancing it to any interested party or parties—that is, relative to lands.

76th question. In the ordinary course of business could you have done so?

Answer. I could under a receipt from the party if I had confidence in him.

77th question. Had you confidence in José de la Rosa; if yea, what induced that confidence?

Answer. Yes, having known him as an honest man.

78th question. For what did you send him the documents, and did he give you a receipt?

(This question objected to by claimants' counsel as assuming an unstated fact.)

Answer. I do not remember to have sent him any document.

79th question. Did you see Pio Pico sign the grant of José de la Rosa?

Answer. I do not remember.

80th question. Was it signed by him before or after you took the note of it; and if before, how do you know it?

Answer. The title was signed by Pio Pico before the taking of the order thereof in virtue of the rules established between the offices of the secretary and governor, and that in virtue of the said rules, without remembering more, the signature of Pio Pico should have preceded mine and the taking of the note; I cannot now call to mind that I saw his signature before the note was made of it, because it should have been on the title before doing so.

81st question. Did you see him sign either of the documents, decree, grant, and certificate of approval?

Answer. It is so long I do not remember.

82d question. When that gentleman at Benicia showed you the document was there anything said between you as to whether you had ever seen or heard of that document before?

Answer. I do not remember.

83d question. How long did that interview last, and had you ever heard of the document which you then saw before that time?

(This question objected to by claimants' counsel.)

Answer. As well as I can remember the said interview lasted but a very short time—that is, if the question refers to a gentleman who presented me a document in Benicia, and at that time I had heard nothing said of such document, nor did I inform myself of the contents thereof.

84th question. Did you not state to the said gentleman at the time he so presented you the said document that you had heard of it before?

(The witness is here informed that the question is put to him with the view of impeaching his testimony if he do not answer it correctly.)

Answer. I do not remember.

84*th* question. If you had so stated, would you not most certainly remember it?

Answer. I don't know.

85th question. When did you first become acquainted with the claimants in this case, and how intimately have you known them since?

Answer. I first became acquainted with the one who is now present, Juan Manuel Luco, in the year 1853, and with the other in the same year; I have only had with them friendly relations of a mere acquaintance; we have never been intimate.

86th question. Did you become acquainted with them before or fter you had the aforesaid interview in Benicia, and how long?

Answer. I first became with the one who is now present, Juan Manual Luco, in the year 1853, and with the other in the same year; I have only had with them friendly relations of a mere acquaintance; we never have been intimate.

86th question. Did you become acquainted with them before or after you had the aforesaid interview in Benicia, and how long?

Answer. It appears to me that it was before, but I cannot say positively, and therefore cannot say how long.

87th question. In whose company was each of the said claimants when you became acquainted with them?

Answer. I do not remember.

88th question. What do you remember about their early acquaintance?

Answer. With respect to the one present I remember we had a conversation relative to his voyages as a merchant on the coast of California, and particularly to Santa Barbara, and with respect to the other I do not remember more than that it was in San Francisco I first knew him; and, now that I remember, he was in company with the one now present, with whom I also became acquainted in San Francisco, but do not remember who was present at the time.

89th question. How did you happen to become acquainted with them?

Answer. I do not remember how it happened with respect to the one present; and with respect to the other, I became acquainted with him because the one present told me his name.

90th question. Did you ever see either of the claimants in this case in company with Gen'l M. G. Vallejo, or José de la Rosa, or Salvador Vallejo; if yea, when, where, and how often?

Answer. I have seen Gen'l Vallejo and Salvador Vallejo in company with Mr. Luco, who is present, (Juan Man'l,) and have not so seen José de la Rosa. I have seen the General in company with the one present in San Francisco, and I have seen him with Salvador Vallejo, both here and at Benicia, in 1853, and here this year. I cannot say positively when nor how often. I am not able to say when nor how often I have seen the Gen'l in company with them, except to-day and the last few days past, during which I have seen them together several times—that is, the one present and Gen'l Vallejo.

91st question. Did you have in 1853 any conversation with either of the claimants in this case, the said Vallejos or José de la Rosa, about the Ulpines rancho granted to said Rosa? Was it before or after the conversation you had with Hawes at Benicia?

Answer. In the year 1853 I had no conversation with the said Vallejo or Rosa relative to the matter in question; and I had in the same year a conversation with the Mr. Luco present at the time he asked my affidavit (testimonio) in San Francisco relative

to a title of José de la Rosa. I have had no conversation with the other Luco about the matter. The conversation I had with said Luco was after the conversation with the person who showed me the document at Benicia, as above stated.

Re-examined by Mr. Jones for Claimants.

1st question. Look at the book now shown you from the U. S. surveyor general's office, purporting to be the book of "toma de razon" for the years 1844 and 1845, and state if it is the book to which you refer in your cross-examination as the one in which the note of the title of José de la Rosa was entered, and in which you were in the habit of entering the notes or "tomas de razon" of the titles issued during the time you were secretary to the government?

Answer. I have examined the said book, and now have it before me, and I affirm that this book to which I have referred in the said cross-examination as the book of "toma de razones," in which was entered the note of the title of José de la Rosa, and it is not the book in which I was in the habit of entering or ordering to be entered the notes of titles issued during the time that I was such secretary. The book in which I entered the notes of titles was not bound, but was a book comprised of sheets of paper sewed together, wherein sundry tomas de razon were made in my own handwriting, and others in that of the two clerks in my office. Besides, I was in the habit of placing at the bottom of each entry the initials J. M. C. and my rubric.

2d question. Have you ever seen the aforesaid book now shown you before seeing it here; if yea, when, where, and in whose keeping? and state, if you know, in whose handwriting said book is.

Answer. I saw the said book in the office of the United States surveyor general for California, and I do not remember to have ever seen it before. That part of the said book for the year 1844 is written by Francisco Arce and Manuel Jimeno, in which part I find an entry in a handwriting which I do not recognise, numbered 249, with red ink, on the seventh page, on leaf numbered "10" and "7." All of that part of said book for the year 1845 is in the handwriting of Francisco Lopez.

Re-cross-examined by the U. S. Law Agent.

1st question. When and by whom was your attention first called to this book?

Answer. My attention was first called to said book this morning in the office of U. S. surveyor general by Mr. Jones.

2d question. What was then and there said in reference to your cross-examination on the 3d inst.?

Answer. Mr. Jones asked me to examine said book, and say

whether I believed it was the book used for the entering of the notes of titles while I was secretary to the government, and nothing was said relative to the said cross-examination.

3d question. Since your cross-examination aforesaid, has any person conversed with you concerning the contradiction of this book and your answers in that cross-examination?

Answer. I have not had any conversation with any one except Juan Manuel Luco, in which I told him it would be well to examine the archives in charge of the U. S. surveyor general, to ascertain whether the book to which I referred in my testimony in the said cross-examination was there or not.

4th question. Look at Doc. H. H. No. 1, an'xd to the depo. of John A. Sutter, taken before Com'r Hiland Hall, in case No. 289, Charles J. Brenham et al. claimants; and also at document marked "Exhibit A, H. Hall, annexed to depo. of John Bidwell, in case No. 144, Charles D. Semple, claimant; and also at doc. A, annexed to the depo. of Pablo de la Guerra, taken before Com'r Thornton, in case No. 328, Anastacio Carrillo, claimant; and also at document marked Doc. H. H. No. 1, an'xd to the depo. of José M'a Covarrubias, taken before Com'r H. Hall, in case No. 189, Corral del Cuate; and also at document marked Doc. H. J. T., No. 1, an'xd to the depo. of Wm. A. Richardson, taken before Com'r H. J. Thornton, in case No. 44, Bartolomi Bajorgues, claimant; and also at document marked Exhibit No. 1 to deposition of W. D. M. Howard, in No. 15, filed in case No. 69, Daniel Wright et al., for the place called Roblar de la Miseria; and also at document marked "No. 604," Stephen Smith, 2 fifty-vara lots in San Francisco, "A" original grant, and state whether your name is signed to each as sec'y to the government, with the usual note of its record, "toma de razon," entered by you therein.

(This question objected to by claimants' counsel as irrelevant.)

Answer. I have examined said documents referred to in the question, and I find that my name is signed to each of the said documents as sec'y to the government, with the usual note of record, "toma de razon," and my name signed to the said note of record.

5th question. Look at the book heretofore shown you from the archives of the U. S. surveyor gen'l, and state how many of those grants are noted in said book.

Answer. I find in said book that a "toma de razon" is taken of a title issued to Don Sebastian Reyser of the land called Llano Seco, on the Sacramento river, with date of October 4th, 1845, which is the same date of the grant referred to as the first document in order *shows* to me in question 4. I think the note of record refers to the said grant—the original grant as above said, October 4th, 1845. In document referred to in question 4th, as in case No. 144, the original grantee *in* Don Juan Bidwell, and

4654

the date of the grant Oct. 4th, 1845, which corresponds with the date of its record in said book, and I therefore think the said note of record refers to the said title. In document No. 328, above referred to, the date of the grant is October 10th, 1845, and corresponds with the note of record in said book, and therefore I think it refers to the said title. The original grantee in the above is Don Anastacio Carrillo. In document No. 189 the original grantee is Don Augustin Danla, and the date of the grant and of the note of record correspond, being the 14th of November, 1845, and I think said note refers to said title. In document No. 44 the original grantee is Bartolome Bajorgues. I think the note of record refers to the said title, only the date of the grant is the 21st of Nov'r, and the date of the note of record is the 25th of the said month. In document No. 69 the original grantee is Don Juan Nepeminicino Padilla. The note of record refers, I think, to the said grant, although in this, as in the above, the date of the title is November 21st, 1845, and the date of note of record is the 25th of Nov. of the same year. In document No. 604 the original grantee *in* Don Esteban Smith. The date of the grant and of the note of record correspond, being in both Dec'r 4th, 1845. I think it refers to the said grant.

6th question. Do you now recollect any other grants that were issued and signed by you as secretary between the 4th of October, 1845, and the 5th of December, 1845, except those referred to in question fifth?

Answer. I recollect the grant to José de la Rosa for the land claimed in this case wherein I am testifying. I do not now recollect of any other, as I have been so much annoyed by so many questions from the law agent.

7th question. How does it happen that you did not write any of those grants made between the 4th of October, 1845, and 5th of December, 1845, except that of José de la Rosa?

Answer. Because they must have been written by others by my order. The reason is because I pleased at the time to write that of de la Rosa, and did not please to write the others, but ordered it to be done. I did so, because I had the power to do this, and I used my pleasure.

8th question. Who was it that performed the duties of secretary to the government after you went to Mexico, and who were the clerks in the office?

Answer. I do not know, but I only recollect that Matias Moreno was appointed secretary ad interim during my absence.

9th question. How long was Francisco Lopez a clerk in the office of the secretary?

Answer. I do not know.

10th question. How long do you know of his being in said office?

Answer. I know of his being in the office whilst I acted as secretary. I do not recollect of having seen any of Francisco Lopez's writing in the office with later dates than those written during my time as secretary; I may have seen some, but I do not now recollect of any.

11th question. What persons did you ever inform that this grant was issued to José de la Rosa previous to 1853?

Answer. I do not recollect of having informed any person.

12th question. If you had informed or notified any one of that fact, would you not probably recollect it?

Answer. I may have informed some one of it without my recollecting it now.

13th question. Did you ever write any letter for the purpose of informing or notifying him of the fact?

Answer. I do not recollect.

J. M. COVARRUBIAS.

Sworn to and subscribed before me July 7, 1855.

R. AUG. THOMPSON.

Filed in office July 7th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Thomas H. Tate.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Thomas H. Tate, a witness on behalf of the claimants in case No. 813, who being sworn, deposed as follows:

U. S. law agent is present.

Questions by Mr. Jones.

1st question. State your name, age, and place of residence.

Answer. Thomas H. Tate; 38 years; Sonoma city.

2d question. Are you acquainted with M. G. Vallejo; if yea, how long, and do you know his reputation for truth and veracity in the community where he resides; and judging from such reputation, would you believe him under oath?

Answer. I am acquainted with him, and I know his reputation as aforesaid in the community in which he resides; it is good, generally; and judging from that reputation, I would believe him under oath.

Cross-examined by U. S. Law Agent.

1st question. Are you acquainted with the reputation of Salvador Vallejo or José de la Rosa, as aforesaid?

Answer. I do not know their reputations.

2d question. Do you hold any land under Vallejo, or under any grant for which he has testified?

Answer. I hold no land under Vallejo, or under any grant for which he has testified, that I know of.

3d question. At whose instance did you come here to testify?

Answer. At Mr. Martin E. Cook's instance.

T. H. TATE.

Sworn to and subscribed before me this 7th day of July, A. D. 1855.

R. AUG. THOMPSON,
Com'r.

Filed in office July 7, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Chas. Van Gelden.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July* 7, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Chas. Van Gelden, a witness in behalf of the claimants, in case No. 813, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is Chas. Van Gelden; my age 38 years; and I reside in Sonoma county, Cal'a.

2d question. Are you acquainted with Gen'l M. G. Vallejo and José de la Rosa; if yea, how long have you been acquainted with them, and what is the character of each for truth and veracity in the community where they live; is it good or bad, and what is the general reputation of said persons; and judging from that reputation, would you believe them on oath?

Answer. I am acquainted with said Vallejo, and said de la Rosa; I have known them since 1849; the character of said Gen'l Vallejo for truth and veracity in the community where he lives is good; I have known said Vallejo very intimately since 1849; his character is good, and I would believe him on his oath; with regard to said de la Rosa, I have known him since 1849, but not so intimately as said Vallejo; I have never heard anything derogatory to the character of said José de la Rosa for truth and veracity in the community where he lives; I would believe him on oath.

Cross-examined.—Questions by U. S. Law Agent.

1st question. How long have you resided in the county of Sonoma; in what business have you been employed; what business transactions have you had with said Vallejo or said de la Rosa, and do you hold any land where title has been derived directly or indirectly from said Vallejo, or wherein he has testified?

Answer. I have resided in Sonoma county since the month of October, 1849; I am a physician; I have exercised my profession since 1849; I was the family physician of Gen'l Vallejo from 1850 to 1853, and I have sometimes attended on José de la Rosa in case of sickness; that is all the business transaction I know of having with said persons. I have no land where title has been derived from said Vallejo or wherein he has testified, or from said de la Rosa, or wherein he has testified—that is, to the best of my knowledge.

2d question. At whose instance have you come here to testify?

Answer. I came down of my own free will and accord, compelled or requested by nobody.

(Signed) CHAS. VAN GELDEN.

Subscribed and sworn to before me, July 7th, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office July 7th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of James Cooper.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came James Cooper, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Claimants' Counsel.

1st question. What is your name, age, and place of residence?

Answer. My name is James Cooper; my age 38 years; and I reside in Sonoma county, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo and José de la Rosa; if yea, how long have you been acquainted with them, and what is their character for truth and veracity in the community where they live?

Answer. I am acquainted with said Vallejo and said de la Rosa; I have known said Vallejo intimately since 1846, and had seen him previously in 1844; José de la Rosa I have known since 1846, but

not so intimately as Gen'l Vallejo; Gen'l Vallejo's character for truth and veracity, and as an honorable man, is good in the community where he lives, as far as I know; I have never heard anything derogatory to the character of said José de la Rosa, therefore I have no reason why I should not believe him on his oath.

Cross-examined by U. S. Law Agent.

1st question. How long have you resided in Sonoma county; in what business have you been employed; what business transactions have you had with said Vallejo or said de la Rosa, and do you hold any land whose title is derived directly or indirectly from said Vallejo, or wherein he has testified?

Answer. I have resided in said county permanently since 1847; I have been employed part of the time as carpenter, part of the time in keeping a hotel, and in farming; with said Vallejo I have had several business transactions; I have bought cattle from him, sold goods to him, and have bought lands from him; I hold one tract of land the title of which is directly derived from said Vallejo; other lands that I hold are not derived directly from him, and I do not know whether said Vallejo or said de la Rosa have testified therein.

2d question. Is said Rosa reputed a man of wealth in the community where he lives; and judging from that general repute, would you believe he is worth, or has been worth at any time since you have known him, twenty thousand dollars in cash?

(2d question objected to by claimants' counsel.)

Answer. To my knowledge, or that I have heard of, I believe he is not worth that much.

3d question. If said José de la Rosa had sworn that he is worth, or has been worth within the last four years, the sum of twenty thousand dollars, would you believe him?

(3d question objected to by claimants' counsel.)

Answer. If he had sworn to that I would believe it.

(Signed) JAMES COOPER.

Subscribed and sworn to before me July 7th, 1855.

(Signed) R. AUG. THOMPSON, *Com'r.*

Filed in office July 7th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Robert Beck.

UNITED STATES OF AMERICA,
State of California.

SAN FRANCISCO, *July* 7, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Robert Beck, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

U. S. law agent is present.

Questions by Mr. Jones.

1st question. What is your name, age, and place of residence?

Answer. Robert Beck; 36 years; and I reside in Sonoma valley.

2d question. Are you acquainted with Gen'l M. G. Vallejo, Salvador Vallejo, and José de la Rosa? If yea, do you know their reputations in the community in which they reside for truth and veracity; and judging from that reputation, would you believe them under oath?

Answer. I am acquainted with Gen'l M. G. Vallejo, but not with the others. With the respectable portion of the community, I believe his character for truth and veracity is good, as far as I know, and I would believe him under oath as quick as any man I know.

Cross-examined by U. S. Law Agent.

1st question. What do you mean by the respectable portion of the community of Sonoma?

Answer. I mean the immediate citizens of my neighborhood.

2d question. Who are the other class, who are not included in the class of respectable citizens?

Answer. I mean a certain floating class of population who exist in said community scarcely by honest industry.

3d question. Name ten of this latter class, if you can recollect the names of so many.

Answer. I do not think I could name them; I know there are such a class; I do not wish to name them, and will not name those who I consider scarcely respectable.

4th question. What proportion of the citizens of Sonoma are included in this latter class according to your estimate?

Answer. A very small minority.

5th question. In which class do you include Mr. Maupin?

Answer. He is a gentleman of truth and veracity. I include him in the class of the most respectable citizens with whom he associates.

6th question. Do you hold any land under Vallejo, or under any title for which he was a witness? How long have you resided in Sonoma?

Answer. I hold a tract of land bought of Percifer Smith's agents on the Petaluma grant, who claims under Vallejo. I have resided in the valley of Sonoma about three years.

7th question. At whose instance did you come here to testify in this case?

Answer. I was asked by Mr. Cook if I was willing to give evidence as to Gen'l Vallejo's reputation for truth and veracity.

ROBERT BECK.

Subscribed and sworn to before me this 7th day of July, 1855.

R. AUG. THOMPSON, *Comm'r.*

Filed in office July 7th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Peter Campbell.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Peter Campbell, a witness in behalf of the claimants in case No. 813 on the docket, who being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for the Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Peter Campbell; my age 62 years; and I reside in Sonoma city, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo and José de la Rosa? If yea, how long have you known them, and do you know their general character for truth and veracity in the community where they reside; is it good or bad; and judging from such character, would you believe them under oath?

Answer. I have been acquainted with the said persons ever since the summer of 1847. The character of Gen'l Vallejo is generally good, particularly among the intelligent classes. My own opinion of him is that he is a man ambitious of his honor and posthumous fame, and this is also the general opinion of him, and judging from such reputation, I would believe him under oath. With respect to the said character of José de la Rosa, I am not so well acquainted with it. He has the general reputation of being polite and cheerful. I cannot say whether I would believe him under oath generally or not; I have never heard him swear but once, and I believed him then. I would believe him generally, unless I had cause to discredit his testimony.

Cross-examined by the U. S. Law Agent.

1st question. What has been your occupation since at Sonoma, and what business transactions have you had, if any, with Gen'l Vallejo? and state also whether you hold any lands under title derived from him, or in support of which his testimony has been given.

Answer. In 1847 I was ordered by Mayor Hardy to go to Sonoma to take charge of the medical department of a detachment of the New York volunteers quartered there. After the regiment was disbanded I came to San Francisco and served some time in the U. S. custom-house. After that, I believe in 1848 or 1849, I had charge of a dry goods store for Parker and McDougall, in San

Francisco. Since that I have purchased some town property in Sonoma, built on it, and lived there up to the present time. For 3 or 4 years I was justice of the peace there, about two years a notary public, and about one year president of the city council there, and about two years public administrator of the county of Sonoma. I never have held any lands under title from said Vallejo except a part of a town lot which I purchased of him.

2d question. At whose request did you come to testify in this case?

Answer. I volunteered my services for this reason, that I believed it to be a duty that a man owes to society and his neighbors to testify the truth when he hears a neighbor's character impeached.

(Signed) PETER CAMPBELL.

Subscribed and sworn to before me this 7th day of July, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office July 7th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John Lenox.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before Commissioner R. Aug. Thompson, came John Lenox, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Marshall, Attorney for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is John Lenox; my age 57 years; and I reside near the city of Sonoma, in the county of Sonoma.

2d question. Are you acquainted with M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long have you known them, and do you know their general character for truth and veracity in the community where they reside; is it good or bad; and judging from such character, would you believe them under oath?

Answer. I am acquainted with Gen. Vallejo, I think since February, 1848, and I have also known Salvador Vallejo since about the same time, but have not been so well acquainted with him as with the Gen'l. I do not know the said José de la Rosa. So far as I am myself concerned, I esteem Gen'l Vallejo an honorable man, of good reputation for truth and veracity, but he has necessarily been brought in contact with persons with whom he has had

4654

to quarrel, and he is so esteemed by the respectable portion of the community where he resides, and so far as I have any knowledge of the character of Salvador Vallejo for truth and veracity as aforesaid, I believe the generality of his neighbors esteem it good; of the said character *for* José de la Rosa, I know nothing; and judging from the character the Gen'l and Salvador Vallejo sustain as aforesaid, I would believe them under oath.

Cross-examined by the U. S. Law Agent.

1st question. In what have you been employed since you have lived in the county of Sonoma, and state whether you hold any land under title derived from either of the said Vallejos, or in favor of which they, or either of them, have given testimony?

Answer. During a part of the years 1848 and 1849 I was engaged in the mines, and ever since that I have been farming. I hold land under title from Gen'l Vallejo, on the Petaluma grant; I do not know whether they, or either of them, have testified in relation to any land that I own; I see here on the bulletin that it was confirmed.

(Signed) JOHN LENOX.

Subscribed and sworn to before me this 7th July, 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office July 7th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Nicolas Carriger.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before Commissioner S. B. Farwell, came Nicolas Carriger, a witness in behalf of the claimants, in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for Claimants.

1st question. What is your name, age, and place of residence?

Answer. My name is Nicholas Carriger; my age 39 years; and I reside in Sonoma county, near Sonoma city, California.

2d question. Are you acquainted with Gen'l M. G. Vallejo and José de la Rosa; if yea, how long have you known them, and do you know their general character for truth and veracity in the community where they reside; is it good or bad; and judging from such character, would you believe them under oath?

Answer. I have known the said persons ever since the month of November, 1846; I am acquainted the said character of Gen'l

Vallejo, and it is good; and judging therefrom, I would believe him under oath. I am not acquainted with the present character of José de la Rosa for truth and veracity, but during the time I was acquainted with him in 1846 it was good; and not knowing of anything against his character, I would believe him under oath.

Cross-examined by the U. S. Law Agent.

1st question. How long have you resided in the county of Sonoma, and in what business have you been engaged there? and state also what business transactions, if any, you have had with either of the said persons.

Answer. I have lived in the said county ever since about the month of November, 1846; a short time after that I entered the U. S. service as a soldier, and served some 3 or 4 months. After this I commenced work in the Redwoods, taking contracts, &c., and have worked in the mines at different times; I bought a rancho and moved on to it with my family in the summer after the discovery of the mines, where I have lived ever since, farming and raising stock. I have had a great deal of business with Gen'l Vallejo, such as taking contracts for him, purchasing stock and lands of him, say 640 acres. I never have had any dealings with said Rosa, except to rent a room of him in 1846.

2d question. Is it not the general impression about Sonoma, that said Rosa is under the control of Gen'l Vallejo?

Answer. I do not know; when I was acquainted with him he was not, because he was then engaged in his own business?

3d question. Has said Rosa, at any time since you became acquainted with him, been a man of wealth; if yea, in what did his wealth consist?

Answer. I do not know anything about his wealth; he rented me the said room; I do not know whether it belonged to him or not; I have never heard him represented as a rich man, but always a poor man, while I was acquainted with him during the winter of 1846. I have heard something said about his having a claim before this commission for a rancho, or something to that effect; I don't know anything about it.

(Signed) NICHOLAS CARRIGER.

Subscribed and sworn to before me this 7th day of July, 1855.

(Signed) S. B. FARWELL,
Comm'r.

Filed in office July 7th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

4654

Deposition of Wm. M. Boggs.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before Com'r S. B. Farwell, came Wm. M. Boggs, a witness in behalf of the claimants in case No. 813 on the docket, who, being duly sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Att'y for Claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is Wm. M. Boggs; my age 27 years; and I reside in Sonoma city.

2d question. Are you acquainted with Gen'l M. G. Vallejo; if yea, how long; do you know his reputation in the community in which he resides, for truth and veracity; if yea, is it good or bad; and judging from such reputation, would you believe him under oath?

Answer. I am acquainted with said Vallejo, and have known him since the month of November, 1846; I knew his reputation for truth and veracity in the community in which he resides; with those *we* are well acquainted with him, it is good; and judging from that reputation, I would believe him under oath.

Cross-examined by U. S. Law Agent.

1st question. How long have you resided in Sonoma, and how have you been employed during that time?

Answer. Since 7th of November, 1846, and I have been farming.

2d question. What transactions in business have you had with said Vallejo?

Answer. I cannot say that I have had any particular transactions with him; may have bought a horse or two from him; have never been in his employ.

3d question. Do you hold any title under said Vallejo, or under any title for which he has testified?

Answer. I believe I have a lot or two on the Suscol ranch, derived from his agent, J. E. Brown, in the neighborhood of Napa creek; I do not hold under any title in which he has testified, excepting the pueblo of Sonoma.

4th question. Is it not a matter of general notoriety that said Vallejo has been accused of swearing falsely in cases before this commission?

Answer. Not that I am aware of.

5th question. Are you acquainted with Mr. Maypin, of Sonoma; if yea, has he not had better opportunities for being informed than yourself, in regard to Vallejo's character as aforesaid?

Answer. I am acquainted whith him; I do not know whether he has had better opportunities for information than myself.

6th question. Have you heard any persons in the county of Sonoma speaking derogatory to the character of said Vallejo for truth and veracity; if yea, how many?

Answer. I think I have; I do not know how many; I have heard persons speak occasionally that way, but do not remember any particular number.

7th question. How long have you known José de la Rosa; how has he been employed during that time, and where has he resided?

Answer. I have known him since 1846; he resided a considerable portion of that time in and about Sonoma; when I first became acquainted with him he was a tailor, which he followed for two or three years after I knew him; I do not know what has been his occupation lately.

8th. question. Has he been regarded as a man of property or wealth?

Answer. I believe he owned some property when I came into the country, which was some lots in Sonoma, as I understood; I am not aware of anything else.

9th question. If José de la Rosa would swear that in the year 1853 he was worth 20,000 dollars in cash in hand, would you believe him?

Answer. I know of no reason why I should not.

Re-examined by Mr. Jones.

1st question. Whether between the years 1846 and 1850, did you ever hear in any way soever of De la Rosa having lands, or a ranch?

Answer. I cannot testify as to the time, but I have an indistinct recollection of hearing of his having a claim to a large tract of land; this was in Sonoma, from common report, before 1853; it might have been shortly after 1853; it is a kind of an indistinct recollection, and I would not swear to any date in particular.

(Signed) WM. M. BOGGS.

Subscribed and sworn to before me this 7th day July, 1855.

(Signed) S. B. FARWELL,
Com'r.

Filed in office July 7th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of John H. Hill.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 7th*, 1855.

This day, before S. B. Farwell, one of the com'rs to ascertain

and settle the private land claims in said State, came John H. Hill, a witness in behalf of the claimants in case No. 813 on the docket, who being sworn, deposed as follows:

U. S. law agent is present.

Questions by Capt. Frisbie.

1st question. What is your name, age, and place of residence?

Answer. My name is John H. Hill; my age 63 years; and I reside in Sonoma valley.

2d question. Are you acquainted with M. G. Vallejo?

Answer. I am, and have known him since 1851.

3d question. What is his reputation in the community of Sonoma for truth and veracity?

Answer. I think it is good.

4th question. From your personal knowledge, and from his reputation, would you believe him under oath?

Answer. I would most explicitly.

Cross-examined by U. S. Law Agent.

1st question. Do you claim any land, the title to which depends in whole or part on the evidence of Gen'l Vallejo?

Answer. Not any.

2d question. Do you hold any land under said Vallejo? If yea, in what tract?

Answer. I do not hold any either directly or indirectly.

3d question. Have you or your family any interest in any land derived from said Vallejo; if yea, how much, and how did you derive it?

Answer. My son holds 320 acres, which we purchased jointly from Brackett, who held under Vallejo; I have since sold my interest to him.

4th question. Have you not heard any imputations against the character of said Vallejo?

Answer. Not until this affair happened. This present trial I heard one person speak unfavorably of him. I have heard many persons speak favorably of him. I have heard him praised for his uniform regard for his word in business transactions.

JOHN H. HILL.

Subscribed and sworn to before me this 7th July, A. D. 1855.

S. B. FARWELL,
Com'r.

Filed in office July 7th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Joseph Dennell.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 9th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Joseph Dennell, a witness in behalf of the U. S. in case No. 813, who being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Joseph Dennell; my age 35 years; and I reside in San Francisco.

2d question. Are you acquainted with Antonio Lorrain; if yea, how long have you known him, and what is his reputation for truth and veracity in the community where he lives; is it good or bad; and judging from that reputation, would you believe him under oath?

Answer. I am acquainted with said Lorrain; I have known him about a year. I have had some transactions with Lorrain; my opinion is that he is not worthy of credit, and from the opinion that I have formed of him I would not believe him under oath.

(This question objected to by claimants' counsel.)

Cross-examination declined.

JOSEPH DENNELL.

Subscribed and sworn to before me July 9th, 1855.

R. AUG. THOMPSON,
Comm'r.

Filed in office July 9th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Jose Y. Berreyesa.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July* 9, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came José Ygnacio Berreyesa, a witness in behalf of the U. S. in case No. 813, who, being duly sworn, deposed as follows:

Claimants' counsel present.

Questions by the U. S. Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is José Ygnacio Berreyesa; my age 47 years; and I reside in the pueblo of San José.

2d question. Are you acquainted with José de la Rosa; and if yea, how long have you known him?

Answer. I am acquainted with the said de la Rosa; I have known him since the year 1845.

3d question. What office did José de la Rosa hold in Sonoma in 1845 or 1846?

Answer. In 1845, when I first knew said de la Rosa, he was judge of Sonoma.

4th question. Are you acquainted with Cayetano Juares; if yea, how long have you known him?

Answer. I am acquainted with said Cayetano Juares; I know him since 1830.

5th question. Have you any knowledge of a trial or suit between said Cayetano Juares and your brother, José S. Berreyesa, and what was the cause or origin of the suit?

(5th question objected to by claimants' counsel.)

Answer. I know of a trial or suit between the said persons mentioned in the question. The suit arose from the fact of Cayetano Juares killing a heifer, the property of the Berreyesa family.

6th question. Upon what lands was the said heifer killed, before what judge was the suit tried, and who were the advocates or arbitrators in said trial; what was the judgment rendered, and upon what grounds was it based?

(6th question objected to by claimants' counsel.)

Answer. The heifer was killed on the lands called Ulpines; the suit was tried before José de la Rosa as judge; the arbitrators (hombres buenas) were Victor Prudhomme and Guadalupe Vallejo; the judgment rendered was for the defendant, Cayetano Juares; it was based on the ground that the lands upon which the injury had been committed were vacant, and had no owner, and that, therefore, cattle found on them were considered wild.

7th question. In what year, and in what month, as well as you can recollect, was it when this heifer was killed by said Juares on the said lands of Ulpinas, and how was cattle of the Berreyesa's on that land?

Answer. I am not certain about the year or the month; I think it was in the year 1845 or 1846, in the month of June, July, or August, I cannot well recollect. The cattle broke out from the pen of the Bacas and strayed unto the land of Ulpines.

8th question. How long after the heifer was killed was the suit tried before the said de la Rosa, and in what year was said trial had?

Answer. I do not recollect how long after, but it was in the year 1845.

9th question. When and how long after the trial of the suit was the final decision of the judge and the sentence of judgment rendered?

Answer. I do not recollect the month; it was the same year; I think it was in the dry season, but I am not certain.

10th question. Why did you not remain longer on the Ulpines lands, and why did you hurry back?

(10th question objected to by claimants' counsel.)

Answer. After I got through hunting deer I came back.

11th question. Where to did you take your mother's cattle from Ulpines?

(11th question objected to by claimants' counsel.)

Answer. To the rancho of José S. Berreyesa, my brother.

12th question. Were there any streams to cross in coming from the Ulpines to your brother's rancho; if yea, what streams are they?

(12th question objected to by claimants' counsel.)

Answer. They were the stream called Las Francas, in the rancho of Salvador Vallejo, and other streams.

Cross-examined by Claimants' Counsel.

The claimants' counsel declined cross-examining the witness.

JOSÉ YG'O BERREYESA.

Sworn to and subscribed before me July 9th, 1855.

R. AUG. THOMPSON,
Com'r.

Filed in office July 9th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Henry W. Halleck.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July* 9, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came Henry W. Halleck, a witness in behalf of the United States, in case No. 813 on the docket, who being duly sworn, deposed as follows:

Mr. Jones, attorney for claimants, is present.

Questions by Mr. McKune, Law Agent.

1st question. What is your name, age, and place of residence?

Answer. My name is Henry W. Halleck; my age 39 years; and I reside in the city of San Francisco.

2d question. Please look at the document now here shown you from the office of the U. S. surveyor general for the State of Cali-

4659

fornia, purporting to be the original of which the document marked "A. P. L." exhibited to deposition of José Castro Oct. 4th, 1854, and also depo. of Juan B. Alvarado on the same day, is an authentic copy from said office, and state whether you are acquainted with the signature of Pio Pico and your means of knowledge, and also whether or not you believe the signatures of the said Pio Pico where they occur in and upon the said signatures of said Pico.

Answer. I am acquainted with Pio Pico; have received letters from, and have seen him sign his name, and have often examined his signature upon public documents in the archives of the former government. I have examined his signature where it occurs upon the original document referred to in the question, and I do not think they are his genuine signatures; they do not look like any I have seen him write; his signatures are not very uniform.

3d question. Please state in what that uniformity consists, and whether said Pico has ever explained to you the character of those differences.

Answer. The want of uniformity is in the capital P's of his signature. In 1852 he explained to me this difference, and showed me three different ways he had of making that letter, neither of which, however, was like the signatures on this document; with the exception of the shape of the said capital letter there does appear a uniformity in his usual style of writing his signature. The different signatures of the same shaped P are uniform.

Cross-examined by Mr. Jones for Claimant.

1st question. Please state whether the body of the signature and the rubric appear to be like the genuine signature of said Pio Pico.

Answer. The small letters of the signature look to me to have been made with a freer hand than said Pico's usual signature. The rubrics look like his general rubric, but I will add that the three rubrics on this document are not very uniform in themselves; the one on paper "4" is apparently made in a freer style than the others.

H. W. HALLECK.

Subscribed and sworn to before me, this 9th day of July, 1855.

R. AUG. THOMPSON, *Com'r.*

Filed in office July 9th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Juan M. Moffat.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 9th*, 1855.

This day, before S. B. Farwell, one of the commissioners to

accertain and settle the private land claims in said State, came Juan Manuel Moffit, a witness in behalf of the claimants, in case No. 813 on the docket, who being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Atlorney for Claimants.

1st question. What is your name, age, and place of residence?

Answer. Juan Manuel Moffit; my age 23 years; and I reside in the city of San Francisco.

2d question. Are you acquainted with Antonio Lorrain, and do you know his character for truth and veracity in the community where he resides; is it good or bad; and judging from such character, would you believe him under oath?

Answer. I am acquainted with the said Lorrain, and I know his said character to be good in the community where he resides; and judging therefrom, I would believe him under oath.

Cross-examined by the U. S. Law Agent.

1st question. Do you know of Antonio Lorrain being a witness in the case of Joseph Denel vs. Alcallaya; if yea, what connection had you with that suit; if any, what business or connection have you had with said Lorrain, and do you not know that his character for truth and veracity was called in question in the suit?

Answer. I was a witness also in the said suit, and so was said Lorrain, and my only connection therewith was that of a witness. I became acquainted with him in 1850, and lived about two years on the same rancho on which he lived; I believe it was called San Miguel. I left there about six months after he did; we both lived in the house of the proprietor of the rancho. I have never had any business with him, except to ask him for some things which I needed for the hands. I had to work on the rancho, the owner of said rancho having in some measure given him charge of such affairs. In the said suit his testimony was not admitted because he was Alcallaye's security; he had given his testimony before becoming such security, which part of it was admitted.

JUAN M. MOFFET.

Subscribed and sworn to before me this 9th day of July, A. D. 1855.

S. B. FARWELL, *Com'r.*

Filed in office July 9th, 1855.

GEO. FISHER, *Sec'y.*

Deposition of Juan de Dios Sepulveda.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 9th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners

4666

to ascertain and settle the private land claims in said State, came Juan de Dios Sepulveda, a witness in behalf of the claimant in case No. 813 on the docket, who, being sworn, deposed as follows:

The U. S. law agent is present.

Questions by Mr. Jones, Attorney for the Claimants.

1st question. What is your name, age, and place of residence?

Answer. Juan de Dios Sepulveda; my age is 29 years; and I reside in the city of San Francisco.

2d question. Are you acquainted with Antonio Lorrain; do you know his general character for truth and veracity in the community where he resides; if yea, is it good or bad, and judging from such character, would you believe him under oath?

Answer. I have known the said Lorrain for about 20 years, and am acquainted with his said character, and so far as my knowledge of it extends it is unexceptionably good, and the position which he now occupies in society is some proof of the general estimation of him; I knew him in Chile, where he sustained a good reputation for honesty and integrity, and I would believe him under oath.

The law agent, by Judge Bryan, declines interrogating the witness.

(Signed) JUAN DE DIOS SEPULVEDA.

Subscribed and sworn to before me this 9th day of July, A. D. 1855.

(Signed) R. AUG. THOMPSON,
Comm'r.

Filed in office July 9th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of B. F. Mahan.

UNITED STATES OF AMERICA,
State of California, ss.

SAN FRANCISCO, *July 9th*, 1855.

This day, before R. Aug. Thompson, one of the commissioners to ascertain and settle the private land claims in said State, came B. F. *Mayhan*, a witness in behalf of the United States in case No. 813 on the docket, who, being duly sworn, deposed as follows:

1st question. What is your name, age, and place of residence, and occupation?

Answer. My name is B. F. Mahan; my age is 33 years; and I reside in the city of San Francisco; am a Spanish clerk and acting interpreter to this commission.

2d question. Have you examined an original book in the archives of the surveyor general, purporting to a record of the issuance of grants by the governors of California for 1844 and

1845, referred to in the deposition of Thomas O. Larkin, taken and filed in this case? if yea, describe the book, give the names of the grantees, number of the grants and pages on which they are noted for the year 1844; give the numbers of the notes, names of grantees, dates of notes for the year 1845, and state whether the book appears entire.

Answer. I have examined in the office of the surveyor general for California such a book as mentioned in the question, and confidently believe it to be the same book referred to in the said deposition of Thomas O. Larkin, having seen the book that was there exhibited to him; the book is bound in paper, the size being about 7 inches wide by 12 or 13 inches in length, and contains, I think, 41 leaves, regular numbered from, I believe, "3" to "43," having the appearance of having lost one or two of the first leaves; each leaf has upon it the impress of a seal in which are the words "de oficio para el bienio de 1836 y 1837;" the book is written from the leaf numbered "4" to that numbered "18" or "19" inclusive; the leaves numbered "4," "5," "6," "7," "8," "9," "10," are also numbered in the upper corners respectively "1," "2," "3," "4," "5," "6," "7;" the leaves from "4" to "10" inclusive appear to contain registries of titles granted during the year 1844, and those from "11" to "18" or "19" inclusive contain what purports to be the registry of grants issued in the year 1845, the first valid entry being made on the 15th of March of that year, according to the date thereof.

From where the entries commence in the year 1844 the book has every appearance of being entirely complete, as the numbers are complete, and all in their regular order throughout the book, with the exceptions above referred to.

The following grants are entered in the said book in the year 1844, and commence on leaf numbered "4," to wit:

To D. Joaquin Sheldon	No.	197
" D. Anastasis Chabolla	"	198
" D. Mariano and Pedro Hernandez	"	199
" D. Guillermo Gulnac	"	200
" D. Mauricio Gonzales	"	201
" D. Esteban Smit	"	202
" D. Rafael Castro	"	203
" D. Tiniotes Murphy	"	204

Leaf numbered "5."

" D. Luis Peralta	"	205
" Yñigo (Indian)	"	206
" D. Guillermo Welk	"	207
" D. Thomas Cool	"	208
" D. Guillermo Flugge	"	209

4661

To D. Diego Forbes.....No. 210
" D. Francisco Alvines..... " 211
" D. Juan B. Alvarado..... " 212

Leaf numbered "6."

" Indigena Roberts..... " 213
" D. Octaviano Gutierres..... " 214
" Indigena Agricio..... " 215
" Seminary of Santa Ynes..... " 216
" D. Nicolas Dodero..... " 217
" D. Eugenio Montenegro..... " 218
" D. Edwardo A. Farwell..... " 219
" D. Joaquin Carillo..... " 220

Leaf numbered "7."

" D. Ramon Mesa..... " 221
" D. Augustin Narvais..... " 222
" D. José Amesti..... " 223
" Domingo Feliz..... " 224
" Maximo Martinez..... " 225
" Francisco and Ramon Haro..... " 226
" Francisco Guerrero..... " 227
" Francisco Arce..... " 228

Leaf numbered "8."

" Indians of Santa Clara..... " 229
" Pedro Narvaes..... " 230
" Guillermo Tomas Ridley..... " 231
" Jacob P. Leese..... " 232
" Indizina Viviana..... " 233
" Manuel Diaz..... " 234
" Thomas Blanco..... " 235
" Esteban Smit..... " 236

Leaf numbered "9."

" Ynacio Machado..... " 240
" Seminary of Santa Ynes..... " 238
" Francisco Dye..... " 239
" Guillermo Edwardo Hornal..... " 240
" Pearson B. Reading..... " 241
" Joel Dadmond..... " 242
" Guillermo Chard..... " 243
" Josias Belden..... " 244

Leaf numbered "10."

" Josefa Soto..... " 245
" Tomas Larkin (children)..... " 246
" M. Jimeno..... " 247

To Jacinto Rodriguez.....No. 249
" Tomas O. Larkin, (children)..... " 248
" Pablo de la Guerra..... " 250

Leaf numbered "11."

This entry is crossed out in the original, and a large letter B made in the blank part of that page.

Leaf numbered "12."—Anno de 1845.

To Ramon Valencia, March 15.....No. 251
" Miguel Blanco, March 27..... " 252
" Perfecto Hujo Ried, March 31..... " 253
" Augustin Olvera, April 4..... " 254
" Juan Foster, April 5..... " 255
" Manuel Antonio (Ind.,) April 8..... " 256
" Blas (Indian,) April 9..... " 257
" Tomas Gutierrez, April 10..... " 258

Leaf numbered "13."

" Ramon Malo, April 12..... " 259
" Manuel Aub'd Domingues, April 18..... " 260
" José Ledisma, April 18..... " 261
" Manuel Sales, April 18..... " 262
" Francisco Sales, April 18..... " 263
" Joye Morillo and Teodoro Ramero, April 18..... " 264
" Emidio Vijan, April 18..... " 265

Leaf numbered "14."

" Felipe (Indian,) April 19..... " 266
" Carlos Baril, April 25..... " 267
" Pablo Apis, May 7..... " 268
" Ma. Juarra (Ind.,) May 7 ..... " 269
" Manuel Pio and Cristobal, May 19..... " 270
" Joaquin Villa, May 24..... " 271
" Cayetano Joares, May 24..... " 272
" Enrique Datton, May 26..... " 273
" José Francisco Snook, May 26..... " 274

This entry is so crossed out in the said book.

Leaf numbered "15."

To Barcelia Bernal, June 18..... " 275
" Pedro Estrado, June 19..... " 276
" Felipe (Indian,) July 8..... " 277
" Antonio Chaves, July 18..... " 278
" Tibierro Roman and Francisco, July 18..... " 279
" Andres and José Manuel, July 19..... " 280
" Juan de Jesus and José Gabriel, July 22..... " 281

To Jean Roland and Julian Workmen, July 22.....No. 282
" Urbano Odon and Manuel , Aug. 7..... " 283

And title was issued to José and Francisco Castro for the place called Sausal in August, 1845, (which follows in continuation of the entry No. 283.)

Leaf numbered "16."

To Gorge Rock, Aug. 8.....No. 284
" Juan Maria Osuna, Aug. 11..... " 285
" Augustin Olvera, Aug. 11..... " 286
" Juan Manuel Vaca and Jn. Felipe Armijo, Aug. 30.. " 287
" Raymundo Carrillo, Sept. 1..... " 288
" Luis Maria (Ind.,) Sept. 23..... " 289
" Maria Antonia Estudillo, Sept. 23..... " 290
" José Maria Oroseo, Sept. 23..... " 291
" José Dominguez, Sept. 24..... " 292
" Diego Scott and Juan Williams, Sept. 24..... " 293
" Joaq'n Carrillo and Jn. Ma. Covarrubias, Sept. 24... " 294

Leaf numbered "17."

" Maria Josefa Carrillo, Sept. 26..... " 295
" Sebastian Rayser, Oct. 4..... " 296
" Juan Bidwell, Oct. 4..... " 297
" Diego Scott and Juan Wilson, Oct. 10..... " 298
" Anastasio Carrillo, Oct. 10..... " 299
" Manuel de Oliveira, Oct. 30..... " 300
" Pablo and José Apis, Nov. 7..... " 301
" Augustin Davila, Nov. 14..... " 302
" Elecario and Pastor, Nov. 14..... " 303
" Francisco Ceta, Nov. 19..... " 304
" José Antonio Carrillo, Nov. 20..... " 305

Leaf numbered "18."

" Maximo Lais, Nov. 22..... " 306
" Berlotome Bojorquez, Nov. 21..... " 307
" Juan Niponaveuro Padilla, Nov. 21..... " 308
" Narciso Bennett, Nov. 28..... " 309
" Lerafinda Jesus (Ind..) Dec. 3..... " 310
" Estivan Smith, Dec. 4..... " 311
" Manuel Forres Dec. 4..... " 312

And on the ninth of December, 1845, title was issued to Guadalupe Melendrez for 400 vs. at St. Thomas, (which follows and forms a part of the entry in No. 312.)
(Which was thus crossed out in said book.)

To Juan Foster, Dec. 11.....No. 313

To Francisco J. Gustetman, Dec. 19.....No. 314
" Pio Pico, Dec. 23..... " 315
" José de Jesus Noe, Dec. 23..... " 316
" Juan Bandini, Dec. 4; with the remark, that it was not entered previous to the ninth of this month, but its number has been continued according to the dates that have been kept.

The following is a translation of a note at the conclusion of the entries for the year 1844: "The registry of titles issued is continued in the year 1845, on the twelfth leaf of this book."

The entries in the said book express the fact of the issuance of a grant, the name of the grantee, date of grant, name of the locality, and the extent thereof.

3d question. Have you examined the record of the proceedings of the departmental assembly of California for the year 1845; if yea, when, and where? and state whether there appears any entry therein of extraordinary sessions, and whether the minutes of such session were noticed as read in the next ordinary session, and also whether the proceedings for that year appear to be complete, and state the number of sessions each month.

Answer. I have this day examined in the office of the U. S. surveyor general for the State of California, a sort of book composed of, I think, about 120 leaves stitched together, which purports to be a record of the proceedings of said departmental assembly for the year 1845, beginning with the session of the 28th day of January, 1845, and ending with that of the 8th day of October, 1845. In January there appears to have been held two sessions, the first of which appears to have been convoked under circumstances of great exigency, and at the solicitude of the pueblos generally. In February there appear to have been six sessions. I do not think, but cannot be positive, that in any of the aforesaid sessions reference was made to the acts of the next preceding session; with regard to the first I can almost be positive. In the month of April there were six sessions, in May eleven, in June eight, in July ten, in August thirteen, including one extraordinary; in September ten, including two extraordinary sessions, and in October three. From the session of the 4th of March, by special attention, I found that in nearly all of them, if not every one thereafter, the proceedings of the anterior sessions were read and approved at the opening of the succeeding sessions, as well in the extraordinary sessions, as in the ordinary. In the extraordinary session of the 7th of August the proceedings of the previous session which was held on the 6th of the same month were read and approved. In the extraordinary session of the 9th of September, the proceedings of the ordinary of the 5th and next preceding were approved. In the extra session of the 13th of September, the proceedings of the ordinary of the 12th of the same month

were the subject of action. In every case that came under my notice, the proceedings of the extraordinary sessions were read and approved at the opening of the next succeeding ordinary session.

From the attention I gave the numbering of the leaves, I think I may say, without any apprehensions of error, that it is complete, so far as it goes, from beginning to end. The only appearance I met with of disarrangement was in the record of the session of the 1st of October, I believe, which, from the slight attention I gave it, seemed to indicate that two sessions were held on that day, with, I think, one leaf of the record concluding one of the previous sessions between them.

The extraordinary sessions adjourned in the same manner as the ordinary, generally for the want of business.

On the 8th day of October, at the last session in said record, a regulation was passed suspending the session of assembly, and providing that the same should be published by Bando, which was on a separate loose half sheet.

The extraordinary session of the 7th of August was convoked to take into consideration the subject presented in a communication from the commanding general; that of the 9th of September, for the election of a judge of the supreme court to fill a vacancy; that on the 13th of September adopted 4 articles regulating the order of some celebration or procession.

4th question. Have you examined the seals appearing on different grants on file in this commission; if yea, what words were used in such seals in the term of Alvarado and others who preceded him as governors of California?

Answer. I have examined the seals of different grants and documents on file in this commission made during the terms Alvarado, Jimeno, Gutierrez and Chico, and Figuerroa, one containing the words Aduana Maritima de Monterey, abbreviated; one Gobierno de Monterey, abbreviated; one Gobierno del Departmento de Californias, and another Gobierno Politico de la Alta California, the last appearing to be the one used in grants issued during the time the aforesaid persons exercised the functions of governor. In case No. 570 on the docket of the said commission, it appears on a document, I believe a grant dated April 15, 1836, signed Gutierrez; in case No. 119 on a document, I think a grant dated June 30, 1840, signed by Alvarado; in case No. 440 on a document, (I think a certificate,) dated July 19th, 1839, signed by Jimeno; in case No. 433 on a document dated May 4th, 1839, signed by Alvarado; in case No. 392 on a document dated July 5th, 1839, and signed by Jimeno; in case No. 60 on a document dated April 10th, 1839, signed Alvarado; and in case No. 31 on a document signed by Chico, dated May 6th, 1836; and so far as I have examined the matter, I have not found this seal used at a date posterior to Alvarado's, or rather I think Micheltorena, term of office as governor of California.

(The foregoing testimony, so far as it proves the contents of the book of registry of titles, and of the record of proceedings of the departmental assembly, is objected to by the claimants.)

Cross-examined by Mr. Marshal for Claimants.

1st question. Is the book spoken of by you in the examination in chief herein as the one referred to by Thomas O. Larkin, in his deposition taken in this case, the same book that was shown to José Maria Covarrubias, and referred to by him in his deposition recently taken and filed in this case?

Answer. From the best recollection, I believe and have no doubt that the said book so referred to in the said deposition of Thomas O. Larkin is the same identical one that was shown to said José Maria Covarrubias, and to which he refers in his said deposition as not being the book used by him while secretary for the registry of titles issued during his discharge of the functions of that office.

2d question. In the said book to which you refer in your examination in chief are the initials, "J. M. C.," signed to the entries or registries of titles for the year 1845; *and* state whether any of the said entries appear in the handwriting of said Covarrubias, if you are acquainted with it, and state your means of knowledge.

Answer. The said initials "J. M. C." do not appear signed to any of said entries, nor on any of said entries, in my opinion, in the handwriting of the said Covarrubias, with which I am considerably acquainted, having seen many documents in this commission proven by him and others to be his handwriting, as well as having seen him sign his name on sundry occasions.

3d question. Are there not many entries in said book which do not stand in the regular order of their dates, and do not said entries appear to have been irregularly or carelessly made, and do they appear to have been made at the date of the grant to which they refer?

Answer. So far as the question may refer to entries made in said book in the year 1844, I cannot state, not having given that part of the book close attention with respect to the dates. In that part of the book for 1845 the first entry appears to have been erased, and re-entered under date of March 15 of that year. On leaf numbered "14" there appears an entry of the 19th of June, 1845, erased and re-entered on leaf numbered "15," following an entry of the 18th of June of the same year; and on leaf numbered "18" there appears an entry dated Dec. 19, 1845, which is erased and re-entered immediately after another entry, dated Dec. 11, 1845. The only real entry not erased that does not appear to stand in its regular order as to date in the part of said book for 1845 is the last one, dated Dec. 11, 1845, and followed by an explanatory note; such entries as have been erased, as also the last one referred to,

were not made at the dates they respectively cite; or, if they were, those immediately following them were not.

B. F. MAHAN.

Subscribed and sworn to before me July 10th, 1855.

R. AUG. THOMPSON,
Commissioner.

Filed in office July 10th, 1855.

GEO. FISHER, *Sec'y.*

B.—*Deed and Agreement.*

This indenture, made this 18th day of March, A. D. 1853, between José de la Rosa, of the county of Solano, and State of California, of the first part, and Juan Manuel Luco and José Leandro Luco, of the second part, witnesseth: That whereas Pio Pico, formerly governor of the department of California, did, under date of December 4th, A. D. 1845, grant to the said party of the first part a certain tract of land, situate in the present county of Solano, State aforesaid, described as follows: "Between the rancho de Suisun of Guadalupe Vallejo, the rancho de los Putos of Baca and Armijo, the rancho of Elachama of John Bidwell, and bordering on the south-southeast upon the river Sacramento, to which grant, signed by Gov. Pio Pico and by José M. Covarrubias, his secretary, reference is hereby made," the party of the first part, in consideration of the sum of fifteen thousand dollars, to him paid by said parties of the second part, the receipt of which is hereby acknowledged, has granted, bargained, sold, and conveyed to said parties of the second part, and to their heirs or assigns, the tract of land above described, and granted as aforesaid, together with all the right and privileges, hereditaments, and appurtenances thereto belonging, to have and to hold to said parties of the second part, their heirs or assigns forever; and said party of the first part covenants to warrant and defend said parties of the second part in the quiet and peaceable possession of said premises against the lawful claim of any person claiming or to claim the same by, through, or under him, the party of the first part.

Witness whereof, said party of the first part has hereunto set his hand and seal the day and year aforesaid.

(Signed) JOSÉ DE LA ROSA. [SEAL.]

In presence of—
R. G. DE LA RIVAS,
C. P. BRIGGS.

STATE OF CALIFORNIA,
County of Napa.

On this 5th day of April, A. D. 1853, before me, John H. Seawell, recorder in and for said county, personally appeared José de

la Rosa, and who executed the foregoing instrument, who acknowledged that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year above written.

(Signed) JOHN H. SEAWELL,
Recorder.
By C. S. COFFINBERRY,
Dep'y Recorder.

Filed in office September 13th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

"C."—*Law of Congress.*

An Act for the relief of Juan M. Luco and José L. Luco.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Juan M. Luco and José L. Luco shall be, and they are hereby, permitted to file their claim and title to a certain tract of land in California, known as the "Ulpines rancho," before the United States land commissioners to ascertain and settle the private land claims in the State of California, appointed under the act approved 3d of March, 1851, and that said commissioners shall take cognizance of and pass upon the said claim in the same manner as if the said claim had been filed prior to the expiration of the time fixed for filing such claims by the aforesaid act.

Approved 17th July, 1854.

STATE DEPARTMENT,
Washington, July, 1854.

A true copy, carefully collated with the original roll.
(Signed) W. HUNTER,
Chief Clerk.

Filed in office September 13th, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Proceedings of the Departmental Assembly.

En la ciudad de los Angeles, capital del departamento de las Californias a los dos dias del mes de Marzo de mil ochocientos cuarenta y seis reunido en la sala de gobierno los cuatro Señores deputados de la ex'ma asamblea departamental ex'mo sor. gobernador interino Don Pio Pico, D. Francisco Figueroa, D. Narciso Botello y D. Francisco de la Guerra con el fin de que se abriesen nuevamente las sesiones ordinarias que por acuerdo de la corporacion quedaron suspendidas por resto del año procsimo pasado declaro el ex'mo S'or D. Pio Pico que preside, que en consecuencia quedaban

abiertas desde hoy y continuaba en sus sesiones ordinarias la honorable asamblea de este departamento.

Acto continuo se dio lectura a la acta del dia ocho de Octubre del año anterior y puesta a discussion sin ella fue aprobada.

En seguida se dio cuenta con dos oficios credenciales de los Señores D. Juan Bandini y D. Santiago Arguello, deputados electos por la junta electoral de este departamento para la innovacion de la ex'ma asamblea, el primero en quinto lugar y el segundo en el setimo y ultimo é impuesta la corporacion manifesto el sor. presidente que tuviese a bien el respectable cuerpo dispensarles a d'has credenciales los tramites de estilo y examinarlas en el acto si tenian la legalidad correspondiente pues que estaban presentes los nuevos nombrados en su buena disposicion para juestar el juramento lo que tomando en consideracion se diera por legales y bien dictos los referidos señores por cuya virtud paso una comision del seno de la asamblea a recirbirlos y habiendo prestado el juramento que dispone la ley tomazon sus asientos respectivos felicitandoles a la vez el sor. presidente ser le muy plasentero la incorporacion al cuerpo.

Concluido este acto se procedio a la lectura de un manifiesto que hace el gobierno a la honorable asamblea en el que se toca como punto principal el peligro a que se halla espuesto este departam'to por la frecuente introduccion de estrangeros en las fronteras del norte a donde ha llegado a mas una fuerza militar compuesta de sesenta hombres y habiendo las presunciones de que rengan el numero de diez mil individuos bajo la denominacion de Mormonitas continuando el referido manifiesto con poner en conocimiento de la respectable corporacion el lamentable estado en que se en cuentran los principales vamos del gobierno interior y concluye poniendo a su deliberacion los articulos siguientes:

1a. La ex'ma asamblea departamental se separa de toda preferencia en cuanto tenga relacion con el primer punto que contiene el presente manifiesto hasta acordar las medidas que sean mas analogas a los intereses de todos los pueblos del departamento.

2a. Despues de que la corporacion haya concluido con el objeto de su primera occupacion, continuara atendiendo a los vamos que sean mas necesarios para que por este medio se regulana una buena administracion.

Y admitido todo se mando pasar a la comision de gobierno que en el acto se nombro compuesta de los Señores Figueroa y Bandini: habiendose hecho en el mismo momento el nombramiento de la de terrenos baldios que forman los Señores Noriega y Arguello habiendo usado de la palabra el S'or Bandini hizo una esposicion analoga al mismo manifiesto en la cual espreso las razones que tenia para hacer ligiras observaciones sobre el y tan luego como concluyo presente conforme al reglamento interior de la asamblea la siguiente proposicion, que tambien espuso los fundamentos en que la apoyaba:

1a. A la mayor brevidad posible se reunira una junta general compuesta de diputados electos por cada distrito o poblacion, en el modo y forma que la exma. asamblea acuerde.

2a. Esta junta tendra por objeto arreglar, impuesta de las circumstancias grares en que se halla el departamento todo lo que sea mas conforme a eritar los acontecimientos fatales esteriores que se anuncian.

3a. A la espresada junta se solicitara la incorporacion de las clases eclesiastica y militar para obtener todo el lleno preciso a un arreglo eficas.

4o. La espresada junta se llamara consejo general de los Pueblos Unidos de la Alta California, su tratamiento sera el de exma. y de Señoria á cada uno de sus individuos.

5o. La eleccion punto de reunion, tiempo de su denacion y orden de sus sesiones reglamentara la honorable asamblea, sin dijar de estar sujeto dho. reglamento á las modificaciones que sean necesarios ajincio de la junta general ya establecida.

6o. Sera presidida ahu junta por el Exmo. S'or gobernador y en su defecto por la persona que nombre el consejo á pluralidad de votos.

7o. Los vocales de la honorable asamblea podran concurrer como individuos pertenecientes á la misma junta y tendran voz y voto en todas las deliberaciones.

Admitida que fue se mando pasar a la comision que ha de conservar el asunto y por cuanto á ser uno de sus individuos el actor de la proposicion se agrego al S'or Noriega. Dada cuenta con un acundo del iltre ayuntamiento de esta capital relativos á pedir a la honorable corporacion que se proporcionen fondos para que se cree un establecimiento de ensenanza publica, se admitio y quedo reservado para cuando se trata de este asunto, dandose, el acto por concluido y lerantandose la sesion.

PIO PICO, *Presid'te.*

AGUSTIN OLVERA, *S'rio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven inclusive, exhibit a true and accurate copy of a portion of a certain book entitled "1846.—Cuaderno de Sesiones de la Exma. Asamblea," and purporting to be a record of proceedings of the departmental assembly, said book being on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed at the city of [L. S.] San Francisco, this thirteenth day of March, 1855.

JOHN C. HAYS,
U. S. Sur. Gen'l for Cal.

Filed in office May 1st, 1855.

GEO. FISHER, *Sec'y.*

Translation of Proceedings of the Departmental Assembly, 1846.

His Excellency Don Pio Pico, governor ad interim, Don Francisco Figueroa, Don Narciso Botello, and Don Francisco de la Guerra, members of the most excellent departmental assembly, having assembled in the Hall of State, at the city of Los Angeles, capital of the department of the Californias, on the second day of March, one thousand eight hundred and forty-six, for the purpose of re-opening the ordinary sessions, which by a resolution of the body had been suspended for the balance of the last year past, his Excellency Don Pio Pico, who presides, declared that they therefore should henceforth be open, and the hon. departmental assembly continued its ordinary session.

Whereupon the proceedings of the eighth day of October of the preceding year were read, and having been taken up for discussion, they were approved without it.

Next were presented the credential letters of Messrs. Don Juan Bandini and Don Santiago Arguello, deputies elected by the electoral junta of this department, for the reorganization of the hon. assembly, the former for the fifth seat, and the latter for the seventh. When the subject was laid before the body the hon. president proposed the dispensation of the usual proceedings upon said credentials, and that they proceed forthwith to ascertain whether they possess the legal qualification, as they were present, ready and willing to take the oath. The motion being concurred in, the said gentlemen were received as legally and duly elected members,

Whereupon a committee from the body of the assembly advanced to receive them, and making oath as provided by law, they took their respective seats, when the hon. president congratulated them, expressing his greatest pleasure in their incorporation into the body.

This act being concluded, the reading of a message from the governor to the hon. assembly was proceeded to, on which danger to which the department is exposed by the arrival of foreigners in the northern frontier, where there has arrived, besides a military force composed of sixty men, and presumption being entertained that there are coming as many as ten thousand persons under the denomination of Mormons, is discussed as the principal topic, continuing the said message to lay before the hon. body the lamentable

condition in which the principal Department of the Interior exist, and proposing the following articles:

First. The Hon. departmental assembly shall take into consideration exclusively the first point contained in the present message until adopting such measures as will best promote the interest of the inhabitants of the department.

Second. After having disposed of the subject of its first deliberation, the body shall continue the consideration of the departments most essential and conducive to the establishment of a just administration.

And the whole being received, it was referred to the committee on government, the Messrs. Figueroa and Bandini being then appointed said committee. Messrs. Noriega and Arguello having appointed at the same time that on public lands, Señor Bandini arose and made some remarks upon the said message, in which he manifested the reasons he had for offering them, and in conclusion, conformably to the rules of the assembly, he offered the following proposition, and explained the grounds upon which he supported it:

1st. There shall be held, as early as possible, a general junta, composed of the deputies elected by each district or settlement, in the way and manner which may be presented by the hon. assembly.

2d. The object of this junta, having before it the deplora condition in which the department exists, shall be to devise the necessary means to avert the fatal disasters that threaten it from without.

3d. The said junta shall be requested to incorporate ecclesiasted and militared, in order to obtain an entire representation, so necessary to an efficient co-operation.

4. The said junta shall be called "The General Council of the United Pueblos of Upper California," and styled most honorable, and each of its members "honorable."

5th. The election, the place of its holding, the time of its duration, and the order of its proceedings shall be regulated by the hon. assembly, which regulation shall be subject to the modification which, in the opinion of the general junta now established, may be necessary.

6th. His excellency the governor shall preside over the said junta, and in his default the person who may be chosen by a plurality of the votes of the council.

7th. The members of the hon'ble assembly may convene as members of the said junta, and shall have a voice and vote in all its deliberations.

The bill was received and referred to the committee to which the subject properly corresponds, and, as the mover of the proposition was one of its members, Señor Noriega was added thereto.

A resolution of the illustrious ayuntamiento of this capital, me-

morializing the hon. assembly the appropriation of funds for the erection of an institution of public instruction, was read, received, and laid over until the subject could be taken up.

The business being concluded, the session was adjourned.

(Signed) PIO PICO, *President.*

(Signed) AUGUSTIN OLVERA, *Secretary.*

I hereby certify the foregoing to be a true and correct translation of a Spanish document marked "Proceedings of the Departmental Assembly, 1846," filed in case No. 813, on the 1st day of May, 1855.

Witness my official signature, San Francisco, Cal., the 20th day of May, A. D. 1855.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office May 1st, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Proceedings of the Departmental Assembly.

La Exma. Asamblea Departamental en sesion de hoy ha decretado lo siguiente:

Quedan suspendidas las sesiones de la honorable asamblea por el resto de este año en razon de haberse dado permiso a los Señores diputados de fuera de este capital para que se retiren al lugar de su residencia, en atension a los perjuicios que deben sufrir por no estar pagados de sus sueldos runeidos que como funcionarios les corresponde.

El exmo. señor gobernador del departamento lo tendra entendido p'a su publicacion y de mas fines. Sala de sesiones de la honorable asamblea de Californias en la ciudad de los Angeles, Octubre 8, de 1845.

PIO PICO.

AUGUSTIN OLVERA, *S'rio.*

Y para que llegue a noticia de todos mando se publique por bando en los pueblos del departamento y se ararle a quienes corresponde.

Dado en la ciudad de los Angeles, a 11 de Octubre, de 1845.

JOSÉ M'A COVARRUBIAS, *S'rio.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered one and two, exhibit a true and accurate copy of a certain

document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially and caused my seal of office to be affixed, at the [L. S.] city of San Francisco, this thirteenth day of March, 1855.

JOHN C. HAYS,
U. S. Sur. Gen'l for Cala.

Filed in office May 1, 1855.

GEO. FISHER, *Sec'y.*

Translation of Proceedings of the Departmental Assembly, 1845.

The most excellent departmental assembly in session of this day decreed as follows:

The sessions of the honorable assembly are hereby suspended for the remainder of this year, in consequence of permission having been granted to the señores deputies who reside out of this capital to retire to the places of their residence, in view of the injuries they must suffer in consequence of their salaries due them respectively as functionaries not being paid.

His excellency the governor shall be notified hereof for its publication and other purposes.

Hall of sessions of the hon. assembly of the Californias, in the city of Los Angeles, October 8th, 1845.

(Signed) PIO PICO.

(Signed) AGUSTIN OVERA, *Secretary.*

And in order that it may come to the notice of all, I order that it be published by proclamation in all the pueblos of the department, and that it be circulated to those whom it corresponds.

Given in the city of Los Angeles, October 11th, 1845.

(Signed) JOSÉ M'A COVARRUBIAS, *Sec'y.*

I hereby certify the foregoing to be a true and correct translation of a Spanish document marked "Proceedings of the Departmental Assembly, 1845," filed in case No. 813 on the docket of the U. S. land commission, &c., May 1st, 1855.

Witness my official signature, this 21st day of May, A. D. 1855.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office May 21st, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Exhibit No. 1, *annexed to Deposition of J. S. Berreyesa.*

SONOMA, *Marzo* 4, 1855.

S'or D. RAFAEL GUIRADO:

MUY SEÑOR MIO: Sa carta de V. la recibi y le conteste a resulta del vapor por que asi me lo encarga V. en ella.

Sa conducta de Garcia no ha sido la de un hombre formal; siento decirlo; pero V. lo ha marcado ya antes de ahora. En cuanto al

asunto del S'or Reyna, a quien no tengo el honor de conocer este V. seguro que ni el ni nadio podra dishacer lo hecho, ni culpar a V. de ninguna manera pues nada hay en ese asunto que se pueda tachar de mala fé a escepcion de Garcia, que nos ha entorpecido el negocio con tanto empeño desde el principio. He tratado de arregarlo de mil modos, como a V. le consta, hasta deshacer el trato si me pagaba interes de los $3,000 que recibio adelantados, y que devolvio, cuando el Chapo vino a Sonoma con el; pero ya V. vio que al firmar los papeles, hechos los documentos y cambiados otros mutuamente, se arrepentio y todo quedo en * * * peor que antes.

Sa quiebra de los bancos me ha afectado muy sensiblemente imposibilitandome por ahora de tener el gusto de librarle los $100 que me pide; pero muy punto, creo, que lo podré verificar, causandome gran placer el servirlo.

V. no conoce a S. Fran'co en su estado presente; es un lugar diabolico; no se habla mas que de intrigas, y cosas nada adecuadas a los buenos principios de moral y buena fé; contrarios al recto modo de pensar de V. No obstante yo se lo aviso, aunque no lo necesita para no le sosprendan.

Si la compaña que quiere comprar el rancho hace proposiciones razonables, dijales que estoy listo y preparado para ello; que se dirijan a mi, y les contestare, etc.

Deseo que V. se conserve bueno como lo desee su att's seg's serv'or, Q. B. S. M.

M. G. VALLEJO.

Filed in office June 28th, 1855.

GEO. FISHER, *Sec'y.*

Translation of Exhibit No. 1, annexed to the Deposition of Jose S. Berreyesa.

SONOMA, *March 4th*, 1855.

Señor DON RAFAEL GUIRADO.

DEAR SIR: I received your letter, and answer it by the return steamer, according to your request.

The conduct of Garcia has not been that of a man of decision. I regret to say it, but you will have observed it before now. With respect to the matter of Señor Reyna, whom I have not the honor of knowing, be assured that neither he nor any one can undo that which has been done, nor blame you in any manner, as there is nothing in the affair which can be impeached with bad faith, with the exception of Garcia, who, from the commencement, has so diligently disturbed us in the business. I have endeavored to arrange it in a thousand ways, as you know, into the annulling of the contract, if he would pay me the interest on the $3,000 which he received in advance, and which he returned when "Capo" came with him to Sonoma; but you have already witnessed that upon the

signing of the papers, the documents being executed and others mutually exchanged, he *reputed*, and the whole remained worse than before.

The failure of the banks *have* affected me very seriously, disabling me for the present to have the pleasure of drawing for the $100 which you ask, but I believe I shall very soon be able to do so, it affording me great pleasure to serve you.

You are not acquainted with San Francisco in its present condition; it is a diabolical place—nothing is talked of but intrigue, and things nothing compatible with the perfect principles of morality and honesty, contrary to your upright mode of thinking. I advise you of it, nevertheless, although you do not need it, in order that they may not surprise you.

If the company desire to purchase the rancho, say to them I am ready, and prepared for it; to address me, and I will answer them, &c.

Desirous of your good health,

I am, very respectfully, your obd't serv't,

(Signed) M. G. VALLEJO.

A true and correct translation of its original in case No. 813 on the docket of the U. S. L. Com., &c., &c., wherein J. M. Luco et al. are the claimants vs. The U. S.

Witness my official signature this 5th day of July, A. D. 1855.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office June 28th, 1855.

(Signed) GEO. FISHER, *Sec'y.*

Order to restore Case to Trial Docket, and to re-submit the same.

U. S. LAND COMMISSION, *August 28th*, 1855.

It is hereby ordered that the case No. 813 be restored to the docket, and that the same be submitted to the board at the session of this day on the papers in the case.

A. M., exhibited to the Deposition of Jose de la Rosa June 11, 1855.

Escritura hecha hoy veinte y tres de Setiembre del año del s'or mil ochocientos cincuenta y tres entre los Señores Leandro Luco y Manuel Luco del ciudado de Solano y Salvador Vallejo del ciudado de Napa por una parte y Mariano G. Vallejo, (como guardian de Andronico Vallejo,) del ciudado de Sonoma por la segunda parte y ambas del estado de California.

Por cuanto la primera parte en consideracion a la suma de doce mil pesos ($12,000) entregados y recibidos por dicha primera parte en moneda corriente de los Estados Unidos, lo cual reconocen aseguran haba recibido y potecan como consocios en compañia individualmente sus bienes raices muebles, personales y se movientes que en la actualidad poseen en propiedad ó que en adelante posean con especialidad los en el ciudado de Solano, Estado de California.

Su primera parte ha comprado ultimamente a Dn. José de la Rosa, cuyo titulo deriva del gob'o de California firmado por el Gov'o Dn. Pio Pico y su secretario Dn. José Maria Covarrubias, rejistrado en Benicia en la oficina del registrado del dicho condado de Solano, nombrado y conocido por Julpines entre los linderos del Suisun, Bacas, Putos y el rio Sacramento, y de la clama del S'or Bidwell con sus pertenencias todas, entradas y salidas, a la segunda parte de Dn. Mariano G. Vallejo, (tutor de Andronico Vallejo,) con derechos absolutos sobre los bienes reales y planales antes mencionado para que pueda venderlos el ó un heredero en la forma y modo que mas le acomode, para lo cual lo traspasan todos sus derechos que tienen y tener pueden en el dicho terreno de Julpines. Entendino ante todas cosas, y bajo la precisa condicion, de que en el momento de que los señores arriba mencionados como primera parte devuelvan los doce mil pesos ($12,000) referidos arriba y que consta en una obligacion ó nota separada de esta misma fecha, quedara esta escritura anulada por el mismo hecho. En testimonio de lo cual firmaron el presente en Sonoma en el mismo dia mes y año arriba mencionado.

MANUEL Y L. LUCO.

Interlineado de la linea 16 borrado en 17 interlineado, 26 rule.
Como encargado de S'or Dn. Salvador Vallejo.

JOSÉ L. LUCO.

Test'o: JOSÉ VALLEJO.

STATE OF CALIFORNIA, *County of Sonoma.*

On this 27th day of September, 1853, before me, the undersigned, county recorder of Sonoma county, personally appeared Manuel Luco, for himself, and as attorney in fact for Leandro Luco and Salvador Vallejo, he being personally known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

Given under my hand and seal of office in the city of Sonoma, the day and year first above written.

[SEAL.]

JOHN HENDLEY.

STATE OF CALIFORNIA, *County of Solano.*

A true copy of the original received for record March 6th, A. D. 1854, at 10 o'clock a. m.

JAS. P. VAUGHN,
County Recorder.

I hereby release the within named property, M. L. Luco having paid to my full satisfaction the debt therein mentioned this 4th day of November, 1854.

ANDRONICO VALLEJO,
For M. G. VALLEJO.

Witness: JAS. P. VAUGHN.

STATE OF CALIFORNIA,
County of Solano.

I, Jas. P. Vaughn, county recorder in and for said county, in said State, do hereby certify the foregoing to be a true and perfect copy of the original instrument of writing recorded in my office on the 6th day of March, A. D. 1854, in Book H, pages 114 and 115 of the records of Solano co.

Witness my hand, and the official seal of my said office, this 22d day of March, A. D. 1855.

[L. S.]

JAS. P. VAUGHN,
County Recorder.

Filed in office June 12th, 1855.

GEO. FISHER, *Sec'y.*

A. P. L., exhibited to Deposition of Jose Castro and J. B. Alvarado, October 4th, 1854.

[L. S.] Ex'mo Sor. Gobernador:

José de la Rosa, ympresor del gobierno de este departamento ante V. E. con el mas profundo respecto se presenta y espone; que desde el año de mil ochocientos treinta y cuatro es empleado del gobierno de este departamento al que ha servido con el es mero, que le ha sido posible y a pesar de haber cancido de la mayor parte de sus sueldos durante este largo periodo vista la escusez del nario por lo que se le adenda aun la crecida senna de cuatro mil seis cientos cincuenta pesos la que cede a fabor del gobierno solicitando como equivalente a dicha cantidad y remuneracion de sus espresados servicios el terreno sobrante entre los ranchos Suisun de D. Guadalupe Vallejo, de el de Baca y Armijo hasta el rio de los Putos y el de Elachama de D. Juan Bidwell, colindante por el sur *sur* este con el rio del Sacramento cuyo terreno es valdio y no pertenece a corporacion pueblo ni individuo alguno.

Por tanto a V. E. suplico se sirva admiter esta mi solicitud en papel comun por falta del sellado correspondiente y mandar decretar como pido en lo que recibire gracia y justicia.

Juro no ser de malicia y lo necesario, &a. &a.

Sonoma, Octubre 18, de 1845.

JOSÉ DE LA ROSA.

ANGELES, 8 *de Noviembre, de* 1845.

Vista la peticion del suplicante, estiendasele el titulo de la propiedad del terreno que pretende en la inteligencia que jamas tendra derecho a reclamar el importe de lo que le adenda el eraria publico por sus servicios como impresor.

PICO.

Filed for record September 16th, A. D. 1853, at 9 o'clock a. m.,

and recorded in book H, pages 73 and 74 of record of Solano county, State of California.

JAS. P. VAUGHN,
County Recorder.

[L. S.]

Pio Pico, Vocal decano de la Ex'ma Asamblea del Departamento de las Californias y encargado del Gobierno del mismo por ministerio de la ley.

Por cuanto D. José de la Rosa, Mejicano por nacimiento ha solicitado para su beneficio personal y el de su familia, el terreno valdio y sobrante entre el rancho del Suisun de Don Guadalupe Vallejo, el de los Putos de Baca y Armijo, y el de Elachama de Don Juan Bidwell, colindante por el S. S. E. con el rio del Saeramento practicadas previamente las diligencias y averiguaciones necesarias, usando de las facultades que me son conferidas a nombre de la nacion Mejicana he venido por decreto del dia ocho de Noviembre ultimo pasado en concederle el espresado terreno, declarandole la propiedad de el por las presentes letras, de conformidad con la ley de 18 de Agosto, de 1824, y el reglamento de 21 de Noviembre, 1828, a reserva de la aprobacion de la ex'ma asamblea departamental, y bajo las condiciones siguientes:

1a. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres, poniendo sus mohoneras con arboles silvestres o frutales de alguna utilidad, destinandolo al uso y cultivo que mas le acomode.

2a. Solicitara del juez respectivo le de la posecion juridica de estilo.

3a. Si contraviniere a alguna de estas condiciones perdera su derecho al terreno y sera denunciable por otro.

Por tanto mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en la ciudad de Los Angeles en papel comun por falta del sellado, a cuatro dias del mes de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

Filed for record September 16th, A. D. 1853, at 9 o'clock a. m., and recorded in book H, pages 74 and 75, of records of Solano county, Cal'a.

JAS. P. VAUGHN,
County Recorder.

[REC. CXLVIII, D. T., 1852.]

Pio Pico, Vocal decano de la Ex'ma Asamblea del Departamento de las Californias y encargado del Gobierno del mismo por ministerio de la ley.

[L. S.]

La ex'ma asamblea departamental en sesion del dia once del corriente mes ha acordado lo siguiente:

Se aprueba la concesion hecha por el gobierno de este departamento en titulo espedido el dia 4 del presente mes de Diciembre, a favor de Don José de la Rosa del terreno sobrante y baldio entre el rancho del Suisun de Don Guadalupe Vallejo, el de los putos de Baca y Armijo y el de la Elachama de Don Juan Bidwell, colindante por el S. S. E., con el rio del Sacramento; todo de conformidad con la ley de 18 de Agosto, de 1824, y reglamento de 21 de Noviembre, de 1828.

Y para que conste lo firmo en la ciudad de Los Angeles en este papel comun por falta del sellado a los diez y ocho dias del mes de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Filed for record September 16th, A. D. 1853, at 9 o'clock a. m., and recorded in book H, page 76, of records of Solano county, Cal'a.

JAS. P. VAUGHN,
County Recorder.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the 10 preceding and hereunto annexed pages of tracing paper, numbered from one to ten inclusive, exhibit a true and accurate copy of a certain document deposited on the 25th of October, 1853, by Juan Manuel Luco, for the purpose of being placed on file among the archives in this office.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San Francisco, this twenty-eighth day of October, 1853.

[L. S.]

JOHN C. HAYS,
U. S. Surveyor Gen'l, Cal'a.

Filed in office September 13th, 1854.

GEO. FISHER, *Sec'y.*

4671

Translation of Espediente "A," (marked) A. P. L., exhibited to the Deposition of David T. Bird, February 9th, 1855.

{ Gobierno del Dep'to (Eagle) de California. }

To his Excellency the Governor:

José de la Rosa, printer of the government of this department, appears before your excellency with the most profound respect, and avers, that since the year one thousand eight hundred and thirty-four (1834) he is in the employ of the government of this department, which he has served with the greatest possible zeal, and notwithstanding he has not received the greater part of his salary during this long period, by reason of the scarcity of funds in the public treasury, from which cause there is now due to him the accumulated sum of four thousand six hundred and fifty dollars, ($4,650,) which amount he waives in favor of the government, praying as an equivalent to said amount, and as remuneration for his services as stated, for the land remaining (sobrante) between the ranches Suisun of Don Guadalupe Vallejo, that of Baca and Armijo, as far as the river Putos, and that of Elachama of Don Juan Bidwell, bordering on the south-southeast the river Sacramento; which land is vacant and *and* does not belong to any corporation, pueblo or individual.

Wherefore I pray your excellency, that it may please you to admit this my petition, written on common paper for want of proper stamped paper, and that you decree as I pray, that I may receive favor and justice.

I swear the above to be in good faith, and to whatever is necessary.

Sonoma, October 18th, 1845.

(Signed) JOSÉ DE LA ROSA.

ANGELES, 8*th of November, of* 1845.

The prayer of the petitioner being examined, let the title to the property he prays for be granted to him, with the understanding that he never more shall have the right to claim the amount due him from the public treasury for his services as printer.

(Signed) PICO.

{ Gobierno del Dep'to (Eagle) de California. }

Pio Pico, presiding member of the Departmental Assembly of the Californias, and intrusted with its government by ministry of the law.

Whereas Don José de la Rosa, a Mexican by birth, has prayed, for his personal benefit and that of his family, for the vacant and

surplus land (sobrante) between the rancho Suisun of Don Guadalupe Vallejo and the one of los Putos of Baca and Armijo, and that of Elachama of Don Juan Bidwell, bounded on the south-southeast by the river Sacramento, the necessary investigations having been previously gone through, using the powers which are conferred upon me, in the name of the Mexican nation, I determined by decree of the 8th day of November last past to grant him the aforesaid land, declaring it to be his property by these presents, agreeably to the law of the 18th of August, 1824, and the regulation of the 21st of November, 1828, subject to the approval of the departmental assembly, and under the following conditions:

1st. He may enclose it without damaging the roads, highways and servitudes, placing his landmarks of forest or fruit-bearing trees of some utility, applying it to the uses and culture which may best suit him.

2d. He will pray from the respective judge the usual juridical possession.

3d. If he does not comply with these conditions, he shall lose his right to the land, and the same shall be denunciable by another.

Wherefore I do declare, that the present title being held firm and valid, entry thereof shall be made in the proper book and be delivered to the petitioner for his protection and other uses.

Given in the city of Los Angeles, on ordinary paper, in the absence of stamp paper, on this fourth day of the month of December, of the year one thousand eight hundred and forty-five.

(Signed) PIO PICO.
(Signed) JOSE MARIA COVARRUBIAS,
Sec'y.

Record is made of this title in the proper book.
Angeles, date as above written.
(Signed) COVARRUBIAS.

Pio Pico, presiding member of the Departmental Assembly of the Californias, and intrusted with the government of the same by ministry of the laws.

{Gobierno del Dep'to (Eagle) de Californias.}

The departmental assembly of the session of the eleventh day of the present month has agreed to the following:

"It approves of the grant made by the government of this department, by title, on the fourth day of the present month of December, in favor of Don José de la Rosa, of the land, surplus (sobrante) and vacant, between the rancho Suisun of Don Guadalupe Vallejo and that of the Putos of Baca and Armijo, and that of

Elachama of Don Juan Bidwell, bounded on the south-southeast by the river Sacramento; all in conformity to the law of the 18th of August, 1824, and the regulations of the 21st of November, 1828."

And in conformity whereof I affix my signature hereto, in the city of Los Angeles, on this ordinary paper, for want of stamp paper, this 18th day of the month of December, 1845.

(Signed) PIO PICO.

(Signed) JOSÉ MA. COVARRUBIAS, *Sec'y.*

Filed in office September 13th, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Opinion of the Board delivered by Commissioner S. B. Farwell.

JUAN M. LUCO et al. vs. THE UNITED STATES. } No. 813.

For a place called "Ulpines," situate in the county of Solano, and containing from two to three hundred square miles.

The petitioners in this case claim under one José de la Rosa, and have offered in evidence in support of their claim a traced copy from the archives of State on file in the office of the surveyor general, of what purports to be a grant from Pio Pico, former governor of the province of California, to the said Rosa, dated the 4th day of December, 1845; also of the espediente, and of what purports to be the approval of the departmental assembly, dated the 18th day of the same month and year; and also a deed from the said Rosa to the claimants; and for the purpose of authenticating the grant the claimants have produced several witnesses who have sworn to the genuineness of the signature of Gov. Pio Pico wherein it is appended to the grant and the accompanying documents.

José M. Covarrubias, a witness on the part of the claimant, swears that he was the Secretary of State at the time of the date of the grant, and that it was done at the time and place it purports to have been done, and that the signatures of himself and those of Pio Pico wherever they appear on the document are genuine; that he did not see Pio Pico sign his name, but has no doubt of the genuineness thereof; also that on the day of date of the grant a record in the usual form in the proper book kept for that purpose was made, as appears on the documents; and that the approval of the departmental assembly was had, as appears in the espediente or accompanying documents. Ramon de Saldo, Benito Dias, Manuel Castro, José Castro, Andres Pico, and Juan B. Alvarado, witnesses on the part of the claimants, think the signature of Pico to the aforesaid documents genuine.

The testimony of several witnesses has been filed in the case with the view of proving settlement and cultivation, but they are contradictory and unsatisfactory. José R. Carrillo testifies that Rosa occupied the place in 1835, had an adobe house on it, and lived in it with his family; and that he knows it by frequently calling on them while they resided there; and that he had a large amount of stock on the place, and some under cultivation. The balance of the witnesses that speak of the house represent it as being made of poles stuck in the ground, daubed with mud, and covered with boards; and the evidence of this witness is contradicted by Rosa himself, who swears that he never lived in the place with his family, but visited there occasionally.

No two witnesses agree as to the piece of ground that they pretend was under cultivation, one saying that it was in such a shape that he could make no estimate of its contents as to amount of ground, and had no enclosure. Another witness thinks the cultivated part contained from eight to ten acres, and it was fenced. Another witness thinks that the piece he saw contained about one hundred varas square. Leonido Anto. Duque swears that Rosa lived on the place in 1845, and that his house was near the road leading from Sonoma to Sacramento, and that he was in the habit of calling on him frequently as he passed to and from these places; and he also says that it was near an estuary, and in sight of the Sacramento river, the locality agreeing with the testimony of two other witnesses; but all agree that it is from eight to ten leagues from the road that led to and from the above named places, and impossible to be seen from the road. Another witness testifies that he assisted Rosa in moving on to his place in the first place, and that Rosa was poor and had no horses, and he loaned him his cart and some horses to move with, and that he loaded his cart partly with wheat and pumpkins, and some children, and that he put two children in a bag, one in each end, and put them on a horse, and started to his claim in that way. This is contradicted by Rosa in his deposition, in which he says that he had plenty of horses of his own, and always went to the place with his own stock. Rosa is also contradicted in this by the evidence of Salvador Vallejo, who says that he used to be in a habit of taking Rosa to his rancho in his barouch.

But in comparing the whole testimony on that point, I am fully convinced that Rosa never did live on the place, or occupy any part of it at any time. M. G. Vallejo swears that some time in the year 1845, he received the grant and delivered it to Rosa. Rosa swears that he received the grant from Vallejo some time in 1845, and that in the latter part of 1845, or fore part of 1846, he received the espediente and the proceedings of the dept. assembly.

The genuineness of the grant offered in evidence in this case is questioned by the attorney for the government, and the depositions

of a large number of witnesses have been taken with the view of impeaching the evidence of M. G. Vallejo, Salvador Vallejo, and the original grantee, José de la Rosa, the witnesses on the part of the claimants, who have testified as to their belief of the genuineness of the signature of Pio Pico to the grant, and the accompanying documents; although they say that they think the signatures are genuine, yet they differ in their appearance from the general style of Pico in signing his name. if we take the testimony of Covarrubias, who swears that he wrote the entire documents, including the marginal decree of the governor, the body of the grant and the proceedings of the departmental assembly, and that the whole was done at the time and place that it purports to have been done, for truth, it necessarily would end the question as to the genuineness of the grant, when taken in connection with the testimony of the two Vallejos and Rosa. But the number of witnesses produced on the part of the government to impeach the character of Salvador Vallejo and José de la Rosa for truthfulness, outnumber those called on the part of the claimants, and so far as this board are informed, are of equal credibility of those called to sustain them. The number of the witnesses introduced for the purpose of impeaching the testimony of M. G. Vallejo, and those to sustain him, are about equal in number, and in point of credibility, so far as we know. In connection with this branch of the case, the law agent has offered in evidence the deposition of one Rafael Guirado, which, if true, would seem to determine the result of this cause. He swears, that in the month of July, 1853, M. G. Vallejo, Salvador Vallejo, the two Lucos, the present claimants, and José de la Rosa, the original grantee, were together at the office of Gen. Vallejo, and that they were engaged in business in reference to this claim for two days, and he heard a part of the conversation of the parties during the business, and from what he heard he got an impression of the nature of the business being transacted; and that after the business was completed, General Vallejo asked him if he heard enough to know the nature of the business which they had been transacting; that he answered that he had. Vallejo then told him what had been done; that they were to obtain evidence of title to the place Ulpines; that Salvador Vallejo was to obtain the signature of the former governor, Pio Pico, to a grant, and M. G. Vallejo to furnish a quantity of stock to be put on the place, and the Lucos, the present grantee de la Rosa, and each to share in the profits of the result. Witness states that he said to Vallejo, that the title would be good for nothing, because Pio Pico was no longer governor, and his grant would be worthless; and that Vallejo replied, that if one swore that the papers were false, he could get ten to swear to their genuineness. If the testimony of this witness stood detached from a chain of circumstances, and to rest barely on its own weight, when contradicted by the statements of other witnesses it would be

entitled to but little consideration. But there are other proofs in the case presented on the part of the government tending to create strong doubts as to the genuineness of the title papers presented in the case, and which go strongly to justify the statements of Guirado. It is shown that in the early part of the year 1853, the Lucos, the present claimants, presented to Messrs. Hawes & Haight what purported to be a grant for the same place, with a view to secure their professional services in presenting the same to this board for confirmation, which was copied by Mr. Hawes, and which copy is on file in this case, and made evidence herein, and attached to the deposition of Mr. Hawes. That document was presented by Mr. Hawes to M. Covarrubias, with the view of ascertaining whether it was genuine, and on inspection Covarrubias pronounced it not genuine. That document on inspection will be found to be a grant for the same land, having the same date, and to the same grantee, and purported to have been signed by Pio Pico as governor, and Covarrubias as secretary of state, as the one offered in evidence by the claimants, and on which they ask a confirmation.

The document of which Mr. Hawes speaks was handed back to the claimants by Mr. Hawes, and we hear no more of it, and it evidently was not the one on which this claim is now based.

The next point of investigation is the documents now offered in evidence on which a confirmation is asked. They, it seems, were handed to other counsel, and include not only the grant, but the petition of Rosa, upon which is a marginal order signed by Pio Pico for the issue of a grant, and a certificate of what purports to be the approval of the departmental assembly. But they do not make their appearance in time for their claim to take its place on the calendar of this commission under the provisions of the act of Congress creating the board and fixing the time in which claims shall be presented. And a special act of Congress was passed allowing the claim to be filed. Late in the year 1853 these documents appear to be in the hands of the claimants, and placed on file in the archives of the government with the surveyor general.

In the mean time the land had been partially surveyed by the surveyor general, a portion of it entered with school warrants, and a large portion claimed by pre-emptors, and their notices filed in the office of the register of the district, and up to that time no one, excepting a few that seem to be interested in the matter, had any knowledge of any pretended claim under any grant from the Mexican authorities. Covarrubias swears that a note of entry was made of this grant in the usual form, and in the book kept for that purpose. That book is produced in evidence and identified, and when it is ascertained that no such entry appears therein, he says that it was entered in another book. The book offered in evidence contains regular entries of grants issued anterior to the date of the one in question, and on the following day and in con-

4674

secutive order, and contains memoranda of grants issued on the very day of the date of the document presented in this case, and no reason assigned why this particular entry should be made in any other book, out of the usual order of business, and no explanation offered as to the whereabouts of that book.

Covarrubias also swears that he was secretary of the departmental assembly at the time this document purports to have had the approval of that body, and knows that it was approved at the time and in manner and form as the same thereunto appears. A record of the proceedings of that body is offered in evidence, which shows that they adjourned on the 18th day of October, 1845, stating for reasons that they wanted time to attend to their private affairs; and that on the 2d day of March, 1846, they met again; and that on that day the proceedings of the assembly of the 18th of October previous were read and approved.

The certificate of approval which purports to be the act of that body, and constituting a part of the documents in this case, bears date the 18th day of December, 1845, a day on which the assembly was not, according to the records, in session; nor is there any evidence of its holding a session at any time between the dates above specified. Two of the witnesses on the part of the government, who profess to be skilled in the detection of handwriting, swear that they have compared the signatures of Pio Pico in the documents in question, with many of his signatures, the genuineness of which is not questioned, and have also tested the handwriting of Covarrubias, and they came to the conclusion that the body of the grant, the marginal order, and what purports to be the proceedings of the departmental assembly, and the signature of Pio Pico and of Covarrubias, were also written by the same hand, with the same pen, and at the same time. Many witnesses who are acquainted with the signature and handwriting of Governor Pio Pico, *and* have given their opinion of the signatures attached to these papers. They differ greatly in their opinion on the subject; but I do not deem it necessary to repeat their statements.

On many of the points in the case, there is a contrariety of testimony, much of which is difficult, if not impossible, to reconcile. In such a case we can only come to a conclusion as to the facts, from a careful examination in all its parts, and making such deductions as the whole proofs will warrant. We have made the most careful examination of it in this case, and find the weight of evidence decidedly adverse to the claim. It seems impossible to us to reconcile it with the belief of the genuineness of the grant, which is the base of this claim.

A decree will, therefore, be entered adverse thereto.

(Rejected.)

Filed in office Sept. 25th, 1855.

GEO. FISHER, *Sec'y.*

Decree.

JUAN M. LUCO et al.
vs.
THE UNITED STATES. } No. 813.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the petitioners is not valid; it is, therefore, adjudged that their application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Sept. 25th, 1855.

GEO. FISHER, *Sec'y.*

Order.

It appearing to the satisfaction of this board that the land adjudicated is situated in the northern district of California, it is hereby ordered that the transcripts of the proceedings, and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other transmitted to the Attorney Gen'l of the United States.

Secretary's Certificate.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the Private Land Claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing six hundred and ninety-three pages, numbered from 1 to 693, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 813 on the docket of the said board, wherein Juan M. Luco et al. are the claimants against the United States for the place known by the name of "Ulpines."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San [SEAL.] Francisco, California, this first day of March, A. D. 1856, and of the independence of the United States of America the eightieth.

GEO. FISHER, *Sec'y.*

Endorsed: Filed March 3d, 1856.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Notice of Appeal.

In the District Court of the United States, northern district of California.

JUAN M. LUCO et al.
vs.
THE UNITED STATES. } No. 428 of Transcript.

You will please take notice that the claimants in this case intend to prosecute an appeal to this court from the decision of the board of United States land commissioners respecting their claim.

Yours, &c.,
CALHOUN BENHAM,
Att'y for Claimants.

To SAM'L W. INGE, Esq., *U. S. Dist. Court*, and
JNO. *H.* MUNROE, Esq., *Clerk of said Court.*

Service accepted March 13th, 1856.
A. GLASSELL,
Ass't U. S. Dist. Att'y.

Filed March 13th, 1856.
JOHN *H.* MUNROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Petition for Review, &c.

U. S. District Court, northern district of California.

JUAN M. LUCO et al.
vs.
THE UNITED STATES.

The petition of M. Luco and José L. Luco, appellants in the above entitled cause, to the U. S. district court for the northern district of California, for a review of the decision therein of the commissioners to settle the private land claims in the State of California, respectfully shows, that said appellants are the claimants in said cause, and that the United States are defendants in the same; that said cause is a claim for a tract of land lying in the said district, and within the jurisdiction of the said court, and known by the name of the Ulpines rancho, and more particularly referred to and described in a petition filed by said appellants before said commissioners, for the confirmation to them of said tract, which last mentioned petition will afford full information to said court in that respect; that after the filing of said petition before said commissioners, and the taking of the depositions of certain wit-

nesses, and the hearing of counsel, the said commissioners rejected the said claim, and declared the same invalid.

The said appellants further state, that after the rejection of said claim as aforesaid, which occurred in September the 25th, 1855, he took his appeal therefrom, as will appear by his notice for that purpose filed with the clerk of said court on the 13th day of March, A. D. 1856; also that the transcript of the record of said commissioners in said cause was filed with said clerk on the 3d day of March, A. D. 1856.

The said appellants pray the decision of said commissioners in said cause be reviewed and reversed, and the claim to said tract of land be confirmed to them.

And, as in duty bound, they will ever pray.

CALHOUN BENHAM,
Att'y for Appellants.

Filed March 24th, 1856.

JNO. *H.* MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Santiago E. Arguello.

U. S. District Court, northern district of California.

JUAN M. LUCO and JOSÉ L. LUCO, Appellants,
vs.
THE UNITED STATES, Appellees.

On appeal from the land commission to settle land claims in California.

SAN FRANCISCO, *Jan.* 22*d*, 1857.

SIR: Please take notice that the appellants in the above entitled cause will take the testimony of Santiago E. Arguello, a witness on their behalf, by deposition, on Friday, the 30th day of Jan'y, 1857, at 12 o'cl'k m., before John A. Monroe, U. S. commissioner, at his office, in this city, to be used on the trial of the above entitled cause, at which time and place you will please be present.

Yours, truly,

CALHOUN BENHAM,
Att'y for Appellants.

Hon. W. BLANDING, *U. S. Att'y.*

Due service of the above notice accepted Jan'y 22d, 1857.

WM. BLANDING,
Dist. Att'y.

Order to take Testimony.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room in the city of San Francisco, Friday, the 23d day of January,

in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the Honorable Ogden Hoffman, dist. judge.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } On Appeal.

Ordered, that the deposition of Santiago E. Arguello, to be used as testimony on the trial of the above entitled cause, be taken before a United States commissioner.

OGDEN HOFFMAN,
Dist. Judge.

I consent to the above order being entered.

WM. BLANDING,
Dist. Att'y.

Filed Jan'y 23d, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

United States District Court, northern district of California.

SAN FRANCISCO, *Jan'y 30th*, 1857.

On this day, before Jno. A. Monroe, a commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c., came Santiago E. Arguello, a witness produced on behalf of the claimants in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Clinton Palmer, a sworn interpreter.

Present, Calhoun Benham, counsel for claimant, and Wm. Blanding, United States district attorney.

Questions by Counsel for Claimants.

What is your name, age, occupation, and place of residence?

Answer. My name is Santiago E. Arguello; aged forty-three years; a ranchero; and reside in San Diego.

I am acquainted with the handwriting and signature of Pio Pico, and have seen him write frequently.

Question. Look at the original documents now presented to you, copies of which are found in the transcript in this case from the board of land commissioners on file in the United States district court for the N. D. of California, on pages 673, 674, 675, 676, 677, inclusive, and state whether the signatures of Pio Pico, as they occur in said original document, are the true and genuine signatures of Pio Pico, or not.

Answer. They appear to me to be the original and genuine signatures—I mean genuine and true signatures of Pio Pico.

Question. Please state whether the capital letter "P" in the signatures of Pio Pico are such as the said Pico has been in the habit of making, and whether the said Pico has more ways than one of making the capital letter P.

(Objected to as leading.)

Question waived.

Question. How many ways, if more than one, has Pio Pico of making the capital letter "P" in signing his name?

Answer. He has about three different ways in making the capital P, when signing his name. The P used in the document submitted to me is the first kind of "P" I saw Pico use in signing his name in times long passed.

Question. Please to state whether or not you are acquainted with the history of the department of the Californias about the latter part of the year 1845; if aye, please to state how the sessions of the departmental assembly, if any, were held about that time.

Answer. I am acquainted with the history, and a session was held from August, '45, to May, '46; there were several extra sessions; the sessions were not continuous.

Question. Where did you live about the time mentioned in the last question, and where was the seat of government about that time?

Answer. I lived in San Diego, and the seat of government was at Los Angeles.

Question. Were you frequently at Los Angeles at the period you speak of or not?

Answer. I was two or three times during that period.

Question. Please to state whether yourself, or any member of your family, was a member of the departmental assembly at the time referred to.

Answer. My father, Santiago Arguello, was a member; he now resides in San Diego, but he is generally on his ranch, on the boundary line of Lower California, and is sixty-eight years of age; his general residence is on his ranch; he is in good health.

Question. Are you acquainted with Rafael Guirado; if aye, how long have you known him, and what has been the character of your acquaintance with him—intimate or not? Are you acquainted with his general reputation for truth and veracity in the community where he has lived; if so, what is the same?

Answer. I am; have known him for about twenty years, not intimately; I knew his general reputation for truth and veracity, and it is not good.

Question. From your acquaintance with his reputation for truth and veracity, please state whether or not you would believe him under oath.

Answer. From what I have heard of him I would suspect him.

I would not have confidence in him, and not having confidence, would not believe him.

The residence of my father is beyond the line in Lower California, but part of his ranch is on this side.

Cross-examined.

1st question. In what employment was Rafael Guirado engaged during the time you knew him?

Answer. He was mayordomo of a ranch at the time, a sort of constable; he was a rejidor, and acted as such for one year, I think about the year 1837, but am not certain; I lived about fourteen leagues from Guirado; I have heard various persons speak unfavorably of Guirado; have heard Don Antonia Aguire and Manuel Dominguez, Don Tomas Sanchez, Noicesso Botello; there were others, but I don't remember their names; they said they placed no confidence in him; he had always deceived them; I only know about Guirado from what I heard the persons named and others say.

Question. When did you first see Pio Pico write?

Answer. In the year 1825; I don't remember any documents, but have seen his signature to private letters which he wrote to me and others, the signatures of which correspond with those of the documents now submitted to me. I have seen Pio Pico sign his name in two or three different ways, and particularly the capital P varied, and also the other letters varied sometimes, by being longer or smaller.

Question. From August, '45, to May, '46, who were the members of the departmental assembly?

Answer. Francisco Figuera; he lives in Mexico; Francisco Noriaga; he lives in Santa Barbara; Noicesso Botello; he lives in Los Angeles; my father and Pio Pico was vocal de como; Don Carlos Carillo; the latter is dead; Augustine Olvera was the secretary; don't remember any others.

SANTIAGO E. ARGUELLO.

Sworn to and subscribed before me, January 30th, 1857.

JNO. A. MONROE,
U. S. Commissioner.

Filed Jan'y 30th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Answer.

U. S. District Court, northern district of Cal'a.

THE UNITED STATES
vs.
JUAN M. LUCO
} No. 428.—Tr. 813.

The United States, by their attorney, deny the validity of the title set out in the petition of the said appellant, and pray that the decision of the board of land commissioners be affirmed, and that the said title be declared invalid.

San Francisco, Jan'y 30th, 1857

WM. BLANDING,
U. S. Attorney.

Filed January 30th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order.

At a stated term of the district court of the United States of America for the northern district of California, held at the city of San Francisco, on Monday, February 9th, 1857.

Present, Hon. Ogden Hoffman, dist. judge.

THE UNITED STATES
vs.
JUAN M. LUCO et al. } No. 428.

On motion of Calhoun Benham, esq., counsel for the claimants, and with the consent of the United States district attorney, ordered that the rule requiring witnesses to be examined in open court, in cases where fraud or forgery is imputed, be dispensed with, and the same is hereby dispensed with in the above entitled cause, in reference to witnesses residing out of the northern district of California, and beyond the distance of one hundred miles from the city of San Francisco.

Endorsed: Filed February 9th, 1857.

JOHN A. MONROE, *Clerk.*

Stipulation for Commission.

United States District Court, northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees.

It is hereby stipulated that a commission to take the deposition of Pio Pico upon interrogatories filed, may be sent by the steamer which leaves San Francisco for San Pedro on the twentieth day of the month, and that objection is waived on the score of sufficiency of notice of interrogatories filed; also that said commission be executed by Myron Norton, or, in his absence, by the U. S. commissioner at Los Angeles; and finally, that no objection shall be made to said deposition when taken, on the ground that a certi-

fied copy of the title-papers, relied on in this case, is to be or has been presented to said Pico, instead of the original title-papers.

San Francisco, Feb'y 12th, 1857, A. D.

WM. BLANDING,
Dist. Att'y.
CALHOUN BENHAM,
Of Counsel for Luco.

Filed Feb'y 12, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Direct Interrogatories to Pio Pico.

UNITED STATES DISTRICT COURT,
Northern District of California.

JUAN M. LUCO and JOSE L. LUCO, Appellants,
vs.
THE UNITED STATES OF AMERICA, Appellees.

Interrogatories to be propounded to Pio Pico, a witness to be produced on the part of the appellants in the above entitled cause:

Interrog. 1. State your name, age, pursuit, and place of residence.

Interrog. 2. State what office or offices, if any, you held in the department of the Californias, during the latter part of the year one thousand eight hundred and forty-five, and thereafter.

Interrog. 3. Have you ever seen an original document of which the pages numbered one and two of the papers hereunto annexed and made part of these interrogatories, and marked "A," are a traced copy? If aye, state whether what purports to be your signature to such original document be your true and genuine signature or not; if the same be your true and genuine signature, state when it was put to the original document.

Interrog. 4. Have you ever seen an original document of which the pages numbered four, five, and six of the papers hereunto annexed, marked "A," and made part of these interrogatories, are a traced copy? If aye, state whether what purports to be your signature to such last mentioned original document be your true and genuine signature or not. If the same be your true and genuine signature, state when it was put to the said last mentioned original document.

Interrog. 5. Have you ever seen an original document of which the pages numbered eight and nine of the paper hereunto annexed marked "A," and of these interrogatories made part, are a traced copy? If aye, state whether what purports to be your signature to such last mentioned original document be your true and genuine signature, or not. If the same be your true and genuine signa-

ture, state when it was put to the said last mentioned original document.

Interrog. 6. State whether any sessions of the departmental assembly of the Californias were holden between the eighth day of October, in the year one thousand eight hundred and forty-five, and the second day of March in the year next thereafter. If there were such sessions holden in the interval spoken of, state whether the same were ordinary or extraordinary sessions.

Interrog. 7. State what you may know in relation to any grant of land having been made by the authorities of the department of the Californias, or by any of them, to one José de la Rosa. If you know of any such grant to José de la Rosa, state by whom it was made, and when; whether you know anything concerning its approval by the departmental assembly or not. If you do, what; and if the same was approved, when?

Interrog. 8. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination or the matter in question in this cause? If yea, set forth the same fully and at large in your answer.

CALHOUN BENHAM,
EDWARD JONES,
Counsel for Appellant.

Filed Feb'y 12, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Cross-interrogatories.

In the District Court of the United States, northern district of California.

THE UNITED STATES, Appellees,
vs.
JUAN M. LUCO et al., Appellants.
} D. C. 428—L. C. 813.

Cross-interrogatories to be propounded to Pio Pico, a witness to be produced, sworn, and examined on the part of the claimant:

1. If you state that your name, where affixed to the exhibit accompanying this commission, is your true and genuine signature, state whether that statement is so made from inspection of the signatures, or from your recollection of having signed such papers.

2. In speaking of dates of these papers do you speak from the dates as you see them in the documents shown you, or from recollection of the events as they transpired?

3. State how many sessions of the departmental assembly were held while you were in office, the dates of their meeting, adjourn-

ment, and place of meeting, designating whether they, and which of them, were ordinary, and which extraordinary sessions.

4. If you know anything of a grant to de la Rosa, referred to in 7th direct interrogatory, state whether you had directly or indirectly any interest in it at the time it was made, have had since, or have now any such interest.

6. Answer fully the 8th direct interrogatory.

San Francisco, Feb. 20th, 1857.

WM. BLANDING,
Dis't Att'y.

Filed Feb. 20, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Commission.

UNITED STATES OF AMERICA,
Northern District of California, ss.

The District Court of the United States in and for the northern district of California to Myron Norton, of the town of Los Angelos, in the southern district of California, or in his absence to the United States Commissioners to take depositions, greeting:

Know you, that the twelfth day of February, A. D. one thousand eight hundred and fifty-seven, you were appointed on the agreement of parties, and that by these presents we do authorize and empower you to take the answers to the interrogatories hereunto annexed of Pio Pico, a resident of the southern district of California, to be used in a certain cause now pending in our court wherein Juan M. Luco and José L. Luco are petitioners on appeal, and the United States of America are respondents on the same.

And to this end, at certain days to be by you appointed for that purpose, to cause the said Pio Pico to be brought before you, and him, the said Pio Pico, while present before you, to examine carefully on oath touching the premises, and when you shall have taken the examination as aforesaid, to reduce or cause the same to be reduced to writing, and to be subscribed by said Pio Pico in your presence; and the same so taken and subscribed to return, together with this commission and your doings herein enclosed, sealed and addressed to the district court of the United States for the northern district of California, by the earliest opportunity.

In testimony whereof, we have caused the seal of the said court to be hereunto affixed.

Witness the Hon. Ogden Hoffman, judge of the United States district court of the northern district of California, this nineteenth day of February, in the year of our Lord one thousand eight hun-

dred and fifty-seven, at the city of San Francisco, in the northern district of California.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order for Commission.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees.

Let a commission go, conformably to the stipulation of parties on file.

OGDEN HOFFMAN,
U. S. Dist. Judge.

UNITED STATES OF AMERICA,
Southern District of California, ss.

On the 25th day of February, in the year of our Lord one thousand eight hundred and fifty-seven, before me, C. Sims, clerk of the district court of the United States for the southern district of California, and also U. S. commissioner, personally appeared Myron Norton, who is personally known to me, and took oath that he would well and truly perform the duties of commissioner under the foregoing commission.

C. SIMS,
Clerk U. S. Dist. Court for the Southern Dist. of California, and U. S. Commissioner.

Deposition of Pio Pico.

In the District Court of the United States for the northern district of California.

JUAN LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } Case No.

Deposition of Pio Pico, taken before Myron Norton, a commissioner appointed by the hon. district court of the United States for the northern district of California, by virtue of the foregoing commission, had and taken at the residence of the said Pico, in the county of Los Angelos, on the 25th day of February, A. D. 1857, at 12 o'cl'k noon of said day, on behalf of the said appellants, and to be used as testimony in the above entitled cause.

Present, Juan M. Luco on the part of the appellants, and no one appearing on the part of the appellees.

In reply to the first direct interrogatory, the witness answered:

My name is Pio Pico; I reside in the county of Los Angelos, and am a laborer, and am fifty-five years of age.

In answer to the second direct interrogatory, the witness said:

I was during the latter part of the year one thousand eight hundred and forty-five, and until about the eleventh or twelfth day of August, one thousand eight hundred and fifty-six, governor of the department of the Californias.

In answer to the third direct interrogatory, the witness said:

I cannot now remember in regard to the original document mentioned in said interrogatory, but the signature, as it appears in the traced copy, appears to be my signature, and I believe my signature was placed in the original document there at the time the document bears date.

In answer to the fourth direct interrogatory, the witness said:

I cannot now remember in regard to the original document mentioned in said interrogatory, but the signature, as appears in the traced copy, appears to be my signature, and I believe it was placed there by me at the time the document bears date.

In answer to the fifth direct interrogatory, the witness said:

I cannot now remember in regard to the original document mentioned in said interrogatory, but the signature, as it appears in the said traced copy, appears to be my signature, and I believe was placed there by me at the time the document bears date.

In answer to the sixth direct interrogatory, the witness said:

I do not remember in regard to the particular dates when there were sessions of the departmental assembly of the Californias during the time I was governor, but am quite positive that during all that time there were sessions of the assembly, both ordinary and extraordinary.

In answer to the seventh direct interrogatory, the witness said:

I do not remember now the grant of land mentioned in said interrogatory, except from the papers now shown me, and therefore cannot state further in regard to it.

In answer to the eighth direct interrogatory, the witness said:

I do not know and cannot state any other matter or thing which might be of benefit or advantage to either of the parties at issue in this cause.

And thereupon, in answer to the first cross-interrogatory, the witness said: My statement in regard to my signature is made from inspection of the papers now presented to me, and not from recollection of the act of signing the original papers; I, however, believe, from my best recollection, that the original documents were signed by me at the time they purport to bear date.

In answer to the second cross-interrogatory, the witness said:

In speaking of the dates of the papers mentioned in said interrogatory, I speak of them as they are now shown to me in the exhibit annexed to this commission, and not from recollection of the events as they transpired.

In answer to the third cross-interrogatory, the witness said:

It is impossible for me now to recollect the numbers of the sessions of the departmental assembly which were held while I was in office, nor the dates of their meeting or adjournment, nor which of them were ordinary or extraordinary but they were all held in the city of Los Angelos, and the assembly was in session from day to day during my continuance in office.

In answer to the fourth cross-interrogatory, the witness said:

That he cannot reply more particularly than he has already answered in reply to the third cross-interrogatory.

In answer to the fifth cross-interrogatory, the witness said:

I cannot state further of my knowledge of the grant to de la Rosa mentioned in said interrogatory, than I have already stated in answer to the seventh direct interrogatory; I never had any interest in the said grant, directly or indirectly, at any time, nor have I now.

In answer to the sixth cross-interrogatory, the witness said: I cannot more fully answer the eighth direct interrogatory than I have already done.

PIO PICO.

MYRON NORTON, *Commissioner.*

To the hon. the District Court of the United States, within and for the northern district of California:

Myron Norton, the commissioner named in the foregoing commission, respectfully reports, that after having been duly sworn to the faithful and impartial discharge of his duties under the said commission, he proceeded to take the deposition of the witness, Pio Pico, who is personally known to me, under the interrogatories and cross-interrogatories annexed to the said commission, on the twenty-fifth day of February, A. D. 1857, at the county of Los Angelos, at 12 o'cl'k noon of said day, and which deposition of the said Pio Pico is herewith returned, and annexed to the said commission, and that the said Pio Pico, before giving his said deposition, was by me duly sworn according to law to testify the truth, the whole truth, and nothing but the truth, touching the interrogatories annexed to the said commission, and the said deposition was then by me reduced to writing in the presence of said deponent, and after having been carefully read to and corrected by him, was by him subscribed in my presence; and further report, that I am not interested in this suit, nor am I of kin to either of the parties.

In witness whereof, I hereunto subscribe my name this 25th day of February, A. D. 1857.

MYRON NORTON,
Commissioner.

Endorsed: Filed March 2d, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Exhibit "A," made part of direct Interrogatories to Pio Pico.

Ex'mo S'or Gobernador:

{ Gobierno del Dep. de Californias. }

José de la Rosa impreson del gobierno de este departamento ante V. E. con el mas profundo respecto se presenta y espone que desde el año de mil ochocientos veinta y cuatro esempleado del gobierno de este departamento al que ha servido con el esmero que le ha sido possible y ha pesar de harer caresido de la mayor parte de sus sueldos durante este largo purodo vista le escaces del nario por lo que se la adenda aun la nesida suma de cuatro mil seis cientos ceincenta pesos la que cede a favor del gobierno solicitando como acquivilante a decha cantidad y remuneracion de sus espresados seroicios el terreno sobrante entre los ranchos Suisun de Dn. Guadalupe Vallejo de el de Baca y Armijo hasta el rio de los Putos y el de Elachama de Dn. Juan Bidwell, colindante por el S'or Tuses se con el rio del Sacramento cuyo terrano so valido y no pertenese a corporasion pueblo in individuo alguno por banloa V. E. suplico p. serva admitur esta mi solicitud en papel comun por falta del sellado correspondiente y mandar decretan como pido en lo que rembin gracia y justicia.

Turo no ser de malicia y lo necesario, &c., &c.

Sonoma, Octubre 18, de 1845.

JOSÉ DE LA ROSA.

ANGELES, 8 *de Noviembre de* 1845.

Vista la petionez del suplecante estiendarsele el titulo de la propiedad del terreno que pretendo en la inteligencia que jamas tendra derecho a reclarmar el importe de le que le adenda el nareo publico por sus servicios como impresor.

PICO.

Filed for record Sept. 16th, A. D. 1853, at 9 o'clock a. m., and recorded in book H, pages 73 and 74 of records of Solano county, State of Cal'a.

JAS. P. VAUGHN,
County Recorder.

Deposited in the archives of this office this 25th day of October, 1853, by Juan Manuel Luco.

U. S. Surveyor Gen'l's Office, San Francisco, Cal'a.

JOHN C. HAYS,
U. S. Surveyor Gen'l.

{ Gobierno del Dep. de Calif's. }

Pio Pico, vocal decano de la Ex'ma Asamblea de Departamento de las Californias, y encargado del Gobierno del mismo por ministerio de la ley.

Por cuanto Don José de la Rosa, Mejicano por nacimiento ha solicitado pena su beneficio personal y el de su familia el terreno baldio y sobrante entre el rancho del Suisun de Dn. Guadalupe Vallejo el de los Putos de Baca y Armijo y el de Clashama de Dn. Juan Bidwell, colindante por el S. S. E. con el rio del Sacramento, practicadas previamente las averiguaciones necessario usando de las facultades que me son conferidas a nombre de la nacion Mejicano, he venido por decreto del dia ocho de Noviembre ultimo pasado en concederle el espresado terreno declarandole la propiedad de el per los pruentis letras de conformidad con la ley de 18 de Agosto, de 1824, y reglamento de 21 de Noviembre, de 1828, a reserva de la aprobacion de la ex'ma asamblea departamental y bajo las condiciones siguientes:

1a Podra cercarlo sin perjudicar las travesias, caminos y servidumbres poniendo sus mojoneros con arboles silvestres ó frutales de alguna utilidad destinandole al uso y cultivo que mas le acomode.

2a. Solicitara del juez respectivo le dé la posesion juridicia de estilo.

3a. Si contraviniere a alguna de estas condiciones perdera su derecho al terreno y sera denunciable por otro.

Por tanto mando que teniendose por firme y valedero el presente titulo, se tome razon de el en el libros respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, en papel comun, por falta del sellado se cuatro dias del mes de Diciembre, de mil ochocientos cuarenta y seis.

PIO PICO.

José Ma. Covarrubias, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo.

Angeles, fecha ut supra.

COVARRUBIAS.

{ Gobierno del Dep. de Calif'as. }

Pio Pico, vocal decano de la Ex'ma Asamblea del Departamento de las Californias, y encargado del Gobierno del mismo ministerio de la ley.

La ex'ma asamblea departamental en sesion del dia once del coriente mes ha acordado se siguiente:

"Se aprueba la consesion heaba por el gobierno de esto depart-

mento en titulo expedido el dia 4 del presente mes de Diciembre, á favor de Don José de la Rosa, del terreno sobrante y baldio entre el rancho del Suisun de Don Guadalupe Vallejo de los Putos de Baca y Armijo, y el de le Lachama de Don Juan Bidwell, colindante por el S. S. E. con el rio del Sacramento; todo de conformidad con la ley de 18 de Agosto, de 1824, y reglamento de 21 de Noviembre, de 1828.

Y para que conste lo firmo en la ciudad de Los Angeles, en este papel comun, por falta del sellado, á los diez y ocho dias del mes de Diciembre, de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSÉ MA. COVARRUBIAS, *S'rio.*

Filed for record September 16th, A. D. 1853, at 9 o'clock a. m., and recorded in book H, pages 74 and 75, of records of Solano county, Cal'a.

JAS. P. VAUGHN,
County Recorder.

Deposited in the archives of this office, this 25th day of October, 1853, by Juan Manuel Luco.

U. S. Surveyor General's Office, San Francisco, California.

JOHN C. HAYS,
U. S. Sur'r Gen'l.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper, numbered from one to nine inclusive, exhibit a true and accurate copy of an espediente on file in said archives, in which José de la Rosa solicits certain lands on the Sacramento river.

In testimony whereof, I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San Francisco, this twenty-first day of January, 1857.

JOHN C. HAYS,
U. S. Surveyor Gen'l for California.

Endorsed: Filed March 2d, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

[REC. CXLVIII, D. T. 1859.]—42

Stipulation to publish Deposition of Pio Pico.

J. M. Luco et. al.
vs.
The United States.

It is agreed that the deposition under the commission heretofore issued to Myron Norton be, and the same is hereby, published.

WM. BLANDING,
Dist. Att'y.
CALHOUN BENHAM,
For Claimant.

Filed March 2, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Victor Castro.

United States District Court, northern district of California.

Juan M. Luco
vs.
The United States.

San Francisco, *Ap'l 2d*, 1857.

On this day, before John A. Monroe, a commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came Victor Castro, a witness produced on behalf of the claimants in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 813 on the docket of the said board of commissioners, and was duly sworn and testified as follows; his evidence being interpreted by J. E. Grimes, a sworn interpreter.

Present, Calhoun Benham for claimant, and Wm. Blanding, U. S. dist. att'y.

Questions by Counsel for Claimant.

What is your name, age, and occupation?

Answer. My name is Victor Castro; aged 36 years; and reside in Contra Costa; I am acquainted with Rafael Guiraldo, a witness in this case; I know he is a witness in this cause of my own knowledge.

2. Are you acquainted with the reputation of the said Rafael Guiraldo for truth and veracity in the community where he has lived? if aye, state what the same is.

Answer. I do know his reputation in the pueblo of San Francisco and this vicinity, and his reputation for truth and veracity was bad.

3. From what you know of his reputation for truth and veracity, state whether or not you would believe him under oath.

Answer. I would not.

4 question. How long have you known Rafael Guirado?

Answer. Two years before the Americans came to this country, and since that time; I am a ranchero and a merchant in San Francisco; I do not mean to say I am now a merchant in San Francisco, but I was at the time of which I speak.

5 Q. Have you ever had a conversation or conversations with Rafael Guirado in relation to any testimony which he had given or which he was to give in this cause? if aye, state what conversation or conversations you had.

Answer. I have not.

6. Have you ever had any conversation or conversations with Rafael Guirado in relation to any testimony which Guirado had given or was to give touching General Vallejo in this cause? if aye, state what the conversation or conversations were.

Answer. I do not remember having had a conversation with Guirado touching Gen'l Vallejo, but I heard of it and saw the testimony, and was present when it was given, and saw it written.

7. Have you ever heard Rafael Guirado say anything in relation to testimony he was to give or had given in this cause touching Gen'l Vallejo? if aye, state what he said.

Answer. I only heard his testimony in court; I was present when Guirado had conversations with others touching his testimony; he said Guirado was laughing, and said he had means of doing harm to Gen'l Vallejo; this conversation was before the testimony was given; I don't remember the words, but I heard him say he was going to make certain charges against Gen'l Vallejo in his testimony which he was to give.

Cross-ex'd.

Who was Guirado conversing with when you heard him make these statements?

Answer. He was talking at the San Francisco Hotel, in this city, with many Californians, but I do not remember all; José Santos Berreyesa was among them; it was in the saloon below where the conversation occurred, in the bar-room; I don't know how many were present, but there were many; there were more than two persons present—I think more than ten; the conversation was addressed to Berreyesa, and loud enough for all to hear; I was about a yard from Guirado when the conversation occurred; I did not pay much attention to Guirado, but I believe he was not drunk; I was not, and did not see Guirado drink; I was not associating with Guirado; I heard the conversation and walked out soon afterwards; I staid in the room about 15 minutes; the conversation occurred two or three years ago; I was coming here every day from Contra Costa, and can't recollect the day; I know Gen'l Vallejo well; I was a friend of Gen'l Vallejo; I don't remember whether I ever told Gen'l Vallejo of that conversation; don't remember

Stipulation to publish Deposition of Pio Pico.

J. M. Luco et. al.
vs.
The United States.

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WM. BLANDING,
Dist. Att'y.
CALHOUN BENHAM,
For Claimant.

Filed March 2, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Victor Castro.

United States District Court, northern district of California.

Juan M. Luco
vs.
The United States.

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What is your name, age, and occupation?

Answer. My name is Victor Castro; aged 36 years; and reside in Contra Costa; I am acquainted with Rafael Guiraldo, a witness in this case; I know he is a witness in this cause of my own knowledge.

2. Are you acquainted with the reputation of the said Rafael Guiraldo for truth and veracity in the community where he has lived? if aye, state what the same is.

Answer. I do know his reputation in the pueblo of San Francisco and this vicinity, and his reputation for truth and veracity was bad.

3. From what you know of his reputation for truth and veracity, state whether or not you would believe him under oath.

Answer. I would not.

4 question. How long have you known Rafael Guirado?

Answer. Two years before the Americans came to this country, and since that time; I am a ranchero and a merchant in San Francisco; I do not mean to say I am now a merchant in San Francisco, but I was at the time of which I speak.

5 Q. Have you ever had a conversation or conversations with Rafael Guirado in relation to any testimony which he had given or which he was to give in this cause? if aye, state what conversation or conversations you had.

Answer. I have not.

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Answer. I do not remember having had a conversation with Guirado touching Gen'l Vallejo, but I heard of it and saw the testimony, and was present when it was given, and saw it written.

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Answer. I only heard his testimony in court; I was present when Guirado had conversations with others touching his testimony; he said Guirado was laughing, and said he had means of doing harm to Gen'l Vallejo; this conversation was before the testimony was given; I don't remember the words, but I heard him say he was going to make certain charges against Gen'l Vallejo in his testimony which he was to give.

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having ever spoken of the remarks of Guirado; I don't remember ever having spoken of it before; I knew Guirado very well for two years before the Americans came to this country; don't remember when they came; at that time I had some business with Leidesdorf, and I saw him as a servant of Leidesdorf, and noted his manner; I was neither a friend nor had I ever had any falling out with him; I know certainly that Guirado's conduct was not good.

Direst resumed.

At the time I speak the San Francisco Hotel was frequented by the native Californians.

VICTOR CASTRO.

Sworn and subscribed 2d April, 1857.

JNO. A. MONROE,
U. S. Commissioner.

Filed April 2d, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Notice of Interrogatories.

United States District Court, northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees.

No. 428.—On Petition of Appeal from Land Commission.

SAN FRANCISCO, *March* 21, 1857.

SIR: Please take notice that on the 23d day of March, A. D. 1857, I shall move the court that a commission be issued to take the depositions of Santiago Aguello, Juan Bandino, and others, to be read as evidence on the trial of the above entitled cause.

Said depositions will be taken upon interrogatories this day filed on behalf of the appellants in said cause in the office of John A. Monroe, U. S. dist. court clerk, a copy of which is hereunto annexed and made part hereof.

I have the honor to be, very respectfully, your obed't serv't,

CALHOUN BENHAM,
Att'y for Appellants.

Hon. WM. BLANDING,
U. S. Dist. Att'y.

Endorsed: Service accepted March 21, 1857.

WM. BLANDING,
Dist. Att'y.

Filed March 23d, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order of Commission.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room in the city of San Francisco, on Monday, the twenty-third day of March, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the Honorable Ogden Hoffman, district judge.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } No. 428.

On petition of appeal from board of commissioners to ascertain and settle private land claims in California, upon motion of Calhoun Benham, counsel for appellants in the above entitled cause, the United States attorney, Wm. Blanding, esq., being present, it is ordered by the court that a commission to take the depositions of Santiago Aguello, Juan Bandini and others, to be read as evidence upon the trial of the said cause, be issued, and that the same be executed by Joseph R. Gitchell, (or in his absence, inability, or unwillingness to execute the same, by the county judge of San Diego county, State of California,) at the town of San Diego, in said county, or in that vicinity.

Also, that a commission to take the depositions of John W. Shore, J. A. Henchman and others, to be read as evidence on the trial of the said cause, be issued and be executed at or near Los Angelos, in the southern district of California, by Myron Norton, or in his absence or unwillingness to execute the same, by the U. S. commissioner of said southern district.

Said deposition to be taken upon interrogatories filed or to be filed, with ten days' notice thereof to the district attorney. At the expiration of which time, if cross-interrogatories be not filed, said commissions will be issued ex parte.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed March 23d, 1857.
JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Commission to Joseph R. Gitchell, Esq., at San Diego, Cal.

UNITED STATES OF AMERICA,
Northern District of California, sct.

The District Court of the United States within and for the northern district of California, to Joseph R. Gitchell, of San Diego county, in the southern district of California, or, in his absence, unwillingness, or inability to execute this commission, to the honorable the county judge of said county for the time being:

Know ye, that reposing confidence in your wisdom, prudence, fidelity, and integrity, we have appointed, and by these presents do authorize and empower, you to take the answers to the interrogatories hereunto annexed of Santiago Arguello, Juan Bendini, and such other witnesses as may be brought before you, to be used in a certain cause now pending in our said court, wherein Juan M. Luco and another are appellants, and the United States appellees.

And to this end, at certain days, to be by you determined upon and appointed for that purpose, to cause said witnesses and such others as may be named to you on behalf of the said appellants, to be brought before you, and each witness, while present before you, to examine carefully on oath touching the premises; and when you have taken the examination as aforesaid, to reduce or cause the same to be reduced to writing, and to be subscribed by each of said witnesses in your presence, and the same so taken and subscribed, to return, together with this commission and your doings herein, enclosed, sealed and directed to our said court, as soon as may be practicable.

In testimony whereof, we have caused the seal of our said court to be hereunto affixed.

Witness the Honorable Ogden Hoffman, district judge of the United States in and for the northern district of California, this third day of April, in the year of our Lord one thousand eight hundred and fifty-seven, at the city of San Francisco, in the northern district of California.

JNO. A. MONROE,
Clerk U. S. D. C.

Deposition of Juan Bandini and Santiago Arguello.

United States District Court, northern district of California.

JUAN M. LUCO et al., Appellants, vs. THE UNITED STATES, Appellees. } No. 428. On Petition of Appeal from Land Commission.

Interrogatories in chief to be propounded to Santiago Aguello, Juan Bandini, and others, to take their depositions to be read as evidence upon the trial of the above entitled cause.

Interrogatory first. State your name, age, pursuit, and place of

residence, and how far your residence is from San Francisco, in the northern district of California.

Interrogatory second. State what office or offices, if any, you held under Mexican authority in the department of the Californias during the latter part of the year of our Lord one thousand eight hundred and forty-five and thereafter.

Interrogatory third. State whether or not you were a member of the department assembly of the Californias; if aye, state when you were appointed, by whom, when you received notice of such appointment, and when you entered upon the duties of your said office, and upon what occasion or in what session you took your seat as such member.

Interrogatory fourth. State whether or not you were private secretary of Governor Pio Pico at any time during his administration; if aye, when and during what period?

Interrogatory fifth. State where you resided, and where you were, from the eighth day of October, in the year of our Lord one thousand eight hundred and forty-five, and the second day of March, in the year next thereafter.

Interrogatory sixth. State whether or not any session or sessions of the departmental assembly of the Californias were holden in the period or interim mentioned in the fifth interrogatory. If there were such session or sessions, state whether the same were ordinary or extraordinary sessions.

Interrogatory seventh. If you know of any particular session or sessions of the departmental assembly of the Californias having been holden in the period or interim mentioned in the fifth interrogatory, so state, and also how you know each particular session or sessions were holden.

Interrogatory eighth. Do you know or can you set forth any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination or the matter in question in this cause? If yea, set forth the same fully and at large in your answer.

CALHOUN BENHAM,
Att'y for Appellants.

Endorsed: Service accepted Mar. 21, 1857.
WM. BLANDING,
Dist. Att'y.

Filed March 21, 1857.
JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

United States District Court for the northern district of California.

JUAN M. LUCO et al., Appellants, vs. THE UNITED STATES, Appellees. } No. 428. On Petition. Appeal from Land Commission.

Cross-interrogatories to be propounded to Santiago Arguello and Juan Bandini in taking their depositions in the above entitled case.

1st interrogatory. Where did you reside, in what business were you engaged, from the 1st day of October, 1845, to the 1st day of April, 1846?

2d interrogatory. If in your direct examination you answer that there were sessions of the departmental assembly between the 8th of October, 1845, and the 4th day of March, 1846, state how many such sessions were held, and at what particular dates. State who called those sessions, how they were called, for what purpose each was called, who were present at each of such meetings, and what business was transacted at each.

3d interrogatory. Were you present at any meeting of the said assembly during said time? If yea, state all the business you recollect transacted at such sessions. State also whether the secretary of the government was present, and whether the sessions were opened and closed in the usual form; also whether the minutes were read at such meetings.

4th interrogatory. Have you been a member of the departmental assembly? if yea, state whether the assembly was in the habit of keeping minutes of their proceedings, and whether it was not their custom at each meeting to read the minutes of the assembly the preceding meeting.

WM. BLANDING,
Dist. Att'y.

Endorsed: Filed April 3, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

UNITED STATES OF AMERICA,
Southern District of California, County of San Diego, State of California, sct.

On this ninth day of April, in the year of our Lord one thousand eight hundred and fifty-seven, before me, Wm. B. Couts, clerk of the county of San Diego, State aforesaid, personally appeared Joseph R. Gitchell, and took oath, according to law, that he would well and truly perform the duties of commissioner under the foregoing commission.

In witness whereof I have hereunto set my hand and seal of the county court this 9th of April, 1857.

WM. B. COUTS,
County Clerk.

UNITED STATES OF AMERICA,
Southern District of California,
County of San Diego, State of California.

Be it remembered, that on this 9th day of April, in the year of our Lord one thousand eight hundred and fifty-seven, before me, Joseph R. Gitchell, a commissioner duly authorized under and by virtue of the annexed commission to take the answers to the interrogatories hereunto annexed of Santiago Arguello, Juan Bandini, and such other witnesses as might be brought before me on behalf of the appellants, to be used as evidence on the trial of a certain cause now pending in the United States district court in and for the northern district of California, wherein Juan M. Luco and another are appellants, and the United States appellees, personally appeared Juan Bandini, to testify and the truth to say in the premises.

And the said Juan Bandini having been by me first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the premises, I did carefully examine the said Juan Bandini, and he did thereupon depose, testify, and say as follows, viz:

To the first interrogatory, he saith his name is Juan Bandini; that he is fifty-six years of age; by occupation a farmer; that he resides in San Diego, about six hundred and fifty or sixty miles from San Francisco, California.

To second interrogatory he says, in one thousand eight hundred and forty-five he was secretary of the government under the Mexican authority, but during the latter part of the year he resigned, being unwell. In the year following he was member of the assembly and candidate for governor.

To interrogatory third, he says he was a member of the departmental assembly at different times; the last time was in the year one thousand eight hundred and forty-six; was elected to the office by the people of the State. He received notice of his election in the latter part of the year one thousand eight hundred and forty-five, and took his seat in the beginning of the year following.

To fourth interrogatory, he says that he was secretary of the government until June, A. D. 1845, after which he was a confidential friend and adviser with Governor Pio Pico in private until the Americans took possession of California. During the time just spoken of he resided in the city of Los Angelos.

In answer to interrogatory fifth, he says that he resided and was in the city of Los Angelos from the eighth day of October, A. D. 1845, to the second of March the year next thereafter.

In answer to interrogatory sixth, he says that an extraordinary session of the departmental assembly was held from the eighth of October, A. D. 1845, until the end of the year; and that an or-

United States District Court for the northern district of California.

JUAN M. LUCO et al., Appellants, vs. THE UNITED STATES, Appellees. } No. 428. On Petition. Appeal from Land Commission.

Cross-interrogatories to be propounded to Santiago Arguello and Juan Bandini in taking their depositions in the above entitled case.

1st interrogatory. Where did you reside, in what business were you engaged, from the 1st day of October, 1845, to the 1st day of April, 1846?

2d interrogatory. If in your direct examination you answer that there were sessions of the departmental assembly between the 8th of October, 1845, and the 4th day of March, 1846, state how many such sessions were held, and at what particular dates. State who called those sessions, how they were called, for what purpose each was called, who were present at each of such meetings, and what business was transacted at each.

3d interrogatory. Were you present at any meeting of the said assembly during said time? If yea, state all the business you recollect transacted at such sessions. State also whether the secretary of the government was present, and whether the sessions were opened and closed in the usual form; also whether the minutes were read at such meetings.

4th interrogatory. Have you been a member of the departmental assembly? if yea, state whether the assembly was in the habit of keeping minutes of their proceedings, and whether it was not their custom at each meeting to read the minutes of the assembly the preceding meeting.

WM. BLANDING,
Dist. Att'y.

Endorsed: Filed April 3, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

UNITED STATES OF AMERICA,
Southern District of California, County of San Diego, State of California, sct.

On this ninth day of April, in the year of our Lord one thousand eight hundred and fifty-seven, before me, Wm. B. Couts, clerk of the county of San Diego, State aforesaid, personally appeared Joseph R. Gitchell, and took oath, according to law, that he would well and truly perform the duties of commissioner under the foregoing commission.

In witness whereof I have hereunto set my hand and seal of the county court this 9th of April, 1857.

WM. B. COUTS,
County Clerk.

UNITED STATES OF AMERICA,
Southern District of California,
County of San Diego, State of California.

Be it remembered, that on this 9th day of April, in the year of our Lord one thousand eight hundred and fifty-seven, before me, Joseph R. Gitchell, a commissioner duly authorized under and by virtue of the annexed commission to take the answers to the interrogatories hereunto annexed of Santiago Arguello, Juan Bandini, and such other witnesses as might be brought before me on behalf of the appellants, to be used as evidence on the trial of a certain cause now pending in the United States district court in and for the northern district of California, wherein Juan M. Luco and another are appellants, and the United States appellees, personally appeared Juan Bandini, to testify and the truth to say in the premises.

And the said Juan Bandini having been by me first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the premises, I did carefully examine the said Juan Bandini, and he did thereupon depose, testify, and say as follows, viz:

To the first interrogatory, he saith his name is Juan Bandini; that he is fifty-six years of age; by occupation a farmer; that he resides in San Diego, about six hundred and fifty or sixty miles from San Francisco, California.

To second interrogatory he says, in one thousand eight hundred and forty-five he was secretary of the government under the Mexican authority, but during the latter part of the year he resigned, being unwell. In the year following he was member of the assembly and candidate for governor.

To interrogatory third, he says he was a member of the departmental assembly at different times; the last time was in the year one thousand eight hundred and forty-six; was elected to the office by the people of the State. He received notice of his election in the latter part of the year one thousand eight hundred and forty-five, and took his seat in the beginning of the year following.

To fourth interrogatory, he says that he was secretary of the government until June, A. D. 1845, after which he was a confidential friend and adviser with Governor Pio Pico in private until the Americans took possession of California. During the time just spoken of he resided in the city of Los Angelos.

In answer to interrogatory fifth, he says that he resided and was in the city of Los Angelos from the eighth day of October, A. D. 1845, to the second of March the year next thereafter.

In answer to interrogatory sixth, he says that an extraordinary session of the departmental assembly was held from the eighth of October, A. D. 1845, until the end of the year; and that an or-

dinary session of the departmental assembly commenced in the month of February, A. D. 1846; of the session of A. D. 1846 he was a member.

In answer to interrogatory seventh, he says he knows that an extraordinary session was held during the latter part of the year A. D. 1845, after the eighth of October of that year; he knows it from the fact that the same was held in the city of Los Angeles, and that he resided there during *during* the time; it was called by Governor Pio Pico on account of the arrival of José Maria Yjao, a messenger from the president of the republic of Mexico, who came authorized to settle certain difficulties then existing; the session convened in A. D. 1846, in the month of February, was the ordinary session, and convened by the law; of this he was a member.

In answer to interrogatory eighth, he says he knows nothing of the cause, and knows nothing further than he has answered.

In answer to cross-interrogatory first, he says he lived in the city of Los Angelos from 1st October, A. D. 1845, to April, A. D. 1846; from October, A. D. 1845, to end of that year he was not engaged in any particular business further than his own affairs, and frequently in confidential conversations with Governor Pio Pico; in the beginning of the year A. D. 1846 he took his seat in the departmental assembly.

In answer to cross-interrogatory 2d, he says that there were two sessions—an extraordinary session commencing in October and lasting the balance of the A. D. 1845, and an ordinary session convened in the month of February, A. D. 1846, which remained in session until the Americans took the country; there may have been some days when the assembly was not in session during this time, but how many days, or at what particular dates, he does not recollect; the governor called the sessions by giving notice to the members and they convening; they were called for the ordinary business of legislation, and for rendering advice and assistance to the governor; the whole public were privileged to be present, but who all were or were not present he does not now recollect; many matters of ordinary business was transacted at those sessions, the particulars of which he does not now recollect; all matters referred to the assembly by the governor, particularly relative to the business of José Maria Yjao, was acted upon by the assembly.

In answer to third cross-interrogatory, he says he was present sometimes in the extraordinary sessions of A. D. 1845, and in the session of A. D. 1846 he was a member and was present; much business was transacted during both sessions, but he does not recollect particularly further than the business referred to of José Maria Yjao, and confirmation of titles to land, and the granting the same; the secretary of the assembly does not recollect if the secretary of the government was present; it was not necessary for him to be present; the sessions were opened and closed in the usual form;

always at the opening, the minutes of the day before were read and approved.

In answer to cross-interrogatory fourth, he says he has been a member of the departmental assembly. It was necessary to keep minutes of the proceedings, and they were read and approved each morning as afore stated.

JUAN BANDINI.

Examination taken, reduced to writing, and subscribed and sworn to by the witness, Juan Bandini, this 9th day of April, A. D. 1857, at San Diego, in the State of California, in my presence.

JOSEPH R. GITCHELL,
Commissioner.

And the said Santiago Arguello having been by me first cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the premises, I did carefully examine the said Santiago Arguello, and he did thereupon depose, testify, and say as follows, viz:

To the first interrogatory he sayeth: My name is Santiago Arguello; I am sixty-four years of age, and a ranchero; my residence is about six hundred and fifty miles from San Francisco, in the northern district of California.

To second interrogatory he sayeth: In the latter part of the year A. D. 1845, sub-prefect in the district of San Diego, California. In the beginning of the year A. D. 1846 I was a member of the departmental assembly held in Los Angelos.

To third interrogatory he sayeth: I was a member of the departmental assembly in the year A. D. 1846, and was elected to the office by the people in the latter part of the year A. D. 1845, and received my notice of election in the latter part of the same year. I took my seat in the assembly in the beginning of the year A. D. 1846, at the ordinary session of said assembly, which convened about the first of February that year.

To fourth interrogatory he sayeth: I have never been private secretary of Governor Pio Pico.

To fifth interrogatory he sayeth: I resided in San Diego during the latter part of the year A. D. 1845. Early in A. D. 1846 I removed to Los Angelos, to attend the session of the assembly.

To sixth interrogatory he sayeth: I know there was an extraordinary session of the departmental assembly from the eighth of October, A. D. 1846, to the close or near the close of the same year; also, an ordinary session of the assembly convened in the month of February, A. D. 1846.

To seventh interrogatory he sayeth: I know of the extraordinary session of the assembly being held in the latter part of the year A. D. 1845, by official communications received from the governor, directed to me as sub-prefect—one of said notices being relative

to, or an act passed by the assembly for the disposition of missions, passed November, A. D. 1845, on the 22d day; another of such communications being from governor and assembly, on the 24th October, A. D. 1845, relative to troops to defend this portion of the country. The ordinary session, held in February, A. D. 1846, I was present at, and member of the same.

To the eighth interrogatory he sayeth: I know of nothing more which may be of benefit or advantage in this cause to either party.

In answer to the first cross-interrogatory he sayeth: I resided in San Diego from first of October, A. D. 1845, until the beginning of the year A. D. 1846, at which time I removed to Los Angelos. I was sub-prefect in San Diego when I removed to Los Angelos; it was to attend the departmental assembly, of which I was a member.

To second cross-interrogatory he sayeth: There *was* two sessions of the departmental assembly held between the 8th of October, A. D. 1845, and the 4th of March, A. D. 1846. The first or extraordinary session commenced in October, A. D. 1845, and continued in session until the end of that year. The second or ordinary session commenced in February, A. D. 1846. The extraordinary session was called by the governor; the ordinary met according to law; the extraordinary session was called on account of the arrival of José Maria Yjao from the republic of Mexico, with power to make some regulations in the government, which was then deranged by Micheltorena's having left the country and Pio Pico having become governor. The ordinary session was convened for the usual business of legislation.

The sessions were public, but I have no recollection of who all was present.

In answer to third cross-interrogatory he sayeth: Of the business transacted at the extraordinary session I know nothing further than by my communications from the governor, of which I have heretofore spoken. The business transacted at the ordinary session, of which I was a member, was the ordinary business of legislation, the confirmation of land titles, and granting lands to applicants. The secretary of the assembly was present, but I do not recollect if the secretary of the government was, as he had no business there. The sessions were opened and closed in the usual form.

The minutes of the preceding day read and approved the first thing every morning.

To the fourth cross-interrogatory he sayeth: I have been a member of the departmental assembly. The assembly were in the habit of keeping minutes of each day's proceedings, and it was the custom in the morning to read and approve of the minutes of the preceding day.

S. ARGUELLO.

Examination taken, reduced to writing, and subscribed and sworn to by the witness, Santiago Arguello, this ninth day of April, A. D. 1857, at San Diego, in the State of California, in my presence.

JOSEPH R. GITCHELL,
Commissioner.

I, Joseph R. Gitchell, commissioner to take depositions in the case of Juan M. Luco et al., appellants, vs. The United States, appellees, do hereby certify that the above and foregoing depositions of Juan Bandini and Santiago Arguello were reduced to writing by me in their presence, and that they were sworn to and subscribed in my presence, this ninth day of April, A. D. 1857, and that the said witnesses, Juan Bandini and Santiago Arguello, are to me personally known to be the persons they represent themselves to be.

JOSEPH R. GITCHELL,
Commissioner.

Endorsed: Received April 27th, 1857. Opened April 29, 1857, by order of court.

Filed April 29th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Commission, &c., and Depositions of Joseph A. Henchman and John W. Shore.

UNITED STATES OF AMERICA,
Northern District of California.

The District Court of the United States in and for the northern district of California to Myron Norton, district esquire of Los Angelos, in the southern district of California, or, in his absence, unwillingness, or inability to execute this commission, to C. Sims, U. S. commissioner in said southern district, greeting:

Know ye, that reposing confidence in your competency and integrity, we have appointed, and by these presents do appoint and empower you to take the answers to the interrogatories hereunto annexed of John W. Shore, J. A. Henchman, and such other witness as may be brought before you to be used as evidence on the trial of a cause now pending in our said court, wherein Juan M. Luco and another are appellants, and the United States appellees; and to this end, at certain times to be by you determined upon, to cause said witnesses, and such others as may be named to you on behalf of the said appellants, to be brought before you, and such witness while present before you to examine carefully on oath touching the premises; and when you have taken the examination as aforesaid, to reduce the same to writing, or to cause the same

to be reduced to writing, and to be subscribed by each of said witnesses in your presence; and the same, so taken and subscribed, to return, together with this commission and your doings herein, enclosed, sealed, and directed to our said court (with the title of the aforesaid cause endorsed upon the envelope) as soon as practicable.

In testimony whereof we have caused the seal of our said court to be hereunto affixed. Witness the Honorable Ogden Hoffman, district judge of the United States in and for the northern district of California, this third day of April, [SEAL.] in the year of our Lord one thousand eight hundred and fifty-seven, at the city of San Francisco, in the northern district of California.

JNO. A. MONROE,
Clerk U. S. D. C.

United States District Court, northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } No. 428.

On Petition of Appeal from the Land Commissioners.

Interrogatories to be propounded to take the depositions of John W. Shore, county clerk of Los Angelos county, and the State of California, J. A. Henchman, deputy county clerk of the said county, and others, to be used as evidence upon the trial of the above entitled cause.

First interrogatory. State your name, age, pursuit, and place of residence; and if the latter be Los Angeles, in this State of California, state how long you have resided there.

Second interrogatory. Look at the document hereunto annexed and marked L. A. R., and say whether or not you have ever seen an original document of which it is a traced copy. If aye, state how you know it to be a traced copy; who made it; where the said original is; how long the said original has been kept in its present place of custody.

Third interrogatory. State how you know said original to be an original document.

Fourth interrogatory. Are you acquainted with the handwriting of Pio Pico and José M. Covarrubias, or either of them? If aye, look at a document on file in the office of the county clerk of Los Angeles county, southern district of California, of which the paper hereunto annexed and marked L. A. C. is a traced copy, and state whether or not the several signatures of Pio Pico and José M. Covarrubias at the bottom are genuine or not.

Fifth interrogatory. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matter in question in

4689

this cause? If yea, set forth the same fully and at large in your answer.

CALHOUN BENHAM,
Att'y for Appellants.

STATE OF CALIFORNIA,
County of Los Angeles, ss.

I, John W. Shore, county clerk of Los Angeles county court, and as such, having in my office or in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or department of Upper California, do hereby certify that on the foregoing and annexed tissue paper is copied and traced a full, true, and correct fac simile of the original document, as the same appears of record in said archives, in bundle No. 4 of decrees, proclamations, and petitions of the departmental assembly in my office.

Witness my hand and the seal of said court hereto affixed this 27th day of Feb'y, A. D. 1857.

[SEAL.]

JOHN W. SHORE, *Co. Clerk.*
Pr. J. A. HENCHMAN, *Dep'y.*

On the last line of traced copy read, "October, de 1845"—having made a mistake in tracing; I made the figure 7 instead of 5, and afterwards altered it to the figure 5.

JOHN W. SHORE, *Co. Clerk.*
By J. A. HENCHMAN, *Deputy.*

[*Here follows Exhibit.*]

Endorsed: Service accepted, March 23, 1857.

WM. BLANDING,
Dist. Att'y.

Filed March 23d, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Objections to Interr. in chief.

In the United States District Court for the northern district of California.

THE UNITED STATES, Appellees, ads. J. M. LUCO et al., Appellants. } D. C. 428.—L. C. 813.

The appellees, by their attorney, object to the proof proposed to be obtained from witnesses, John W. Shore and J. A. Henchman, as incompetent, on the ground that said witnesses are to be ex-

amined as to the genuineness of signatures upon a document, the original of which is not produced.

San Francisco, Ap. 3, 1857.

WM. BLANDING,
Dist. Att'y.

Endorsed: Filed April 3, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of John W. Shore.

In the District Court of the United States for the northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees.
} No. 428.

Deposition of John W. Shore, a witness produced and sworn on behalf of the appellants in this case, had and taken before me, Myron Norton, commissioner duly appointed by this court, by virtue of the commission hereto annexed, on this 24th day of April, A. D. 1847, at the city and county of Los Angeles, State of California, no person appearing on behalf of the appellants, nor on behalf of the appellees.

In answer to the first interrogatory, the witness says: My name is John W. Shore; my age twenty-eight years; my pursuit is that of county clerk of the county of Los Angelos, State of California, and have resided in said county since January, A. D. 1851.

In answer to the second interrogatory, the witness said: I have looked at the document annexed to the commission in this case, and marked L. A. R., and have seen a document purporting to be an original one, of which the one annexed is a traced copy; I know it to be a traced copy from having seen the original, and having seen and examined the traced copy; the traced copy was made in my office by J. A. Henchman, deputy county clerk of Los Angelos county; the said original is now on file in my office, and the same has been kept in its present place of custody, to my knowledge, about three years and a half.

In answer to the third interrogatory, the witness said: I do not know the said document to be an original document.

In answer to the fourth interrogatory, the witness said: I am acquainted with the handwriting of Pio Pico, but am not acquainted with the handwriting of José M. Covarrubias; I have looked at a document on file in the office of the county clerk of Los Angelos county, southern district of California, of which the paper annexed to this commission, and marked L. A. R., is a traced copy, and can state that the signature of Pio Pico appearing at the bottom of said document I believe to be his genuine signature, but the one appear-

4690

ing on the sixth line from the bottom of said document I cannot say whether it is his genuine signature or not.

In answer to the fifth interrogatory, the witness said: I cannot state anything further than I have before stated in answer to the interrogatories.

JOHN W. SHORE.

Sworn and subscribed before me this 24th day of April, A. D. 1857.

MYRON NORTON,
Commissioner.

UNITED STATES OF AMERICA,
Southern District of California.

I, Myron Norton, commissioner duly appointed by virtue of the commission hereto annexed, do hereby certify, that on this 24th day of April, A. D. 1857, I caused to be brought before me, at the city and county of Los Angelos, and in said district, John W. Shore, the witness named in said commission, who having been by me first duly sworn according to law, was by me carefully examined touching the interrogatories annexed to the said commission, and the testimony of the said witness was by me then and there reduced to writing, and after having been read by me to said witness, and corrected by him, was by him subscribed in my presence; all of which I certify in obedience to the said commission.

MYRON NORTON,
Commissioner.

Deposition of Joseph A. Henchman.

In the District Court of the United States for the northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } No. 428.

Deposition of Joseph A. Henchman, a witness produced and sworn on behalf of the appellants in this case, had and taken before me, Myron Norton, commissioner duly appointed by this court by virtue of the commission hereto annexed, on this 24th day of April, A. D. 1857, at the city and county of Los Angelos, State of California; no person appearing on behalf of the appellants, nor on behalf of the Appellees.

In answer to the first interrogatory, the witness said: My name is Joseph A. Henchman; my age twenty-nine years; my pursuit is that of deputy county clerk of Los Angelos county, State of California, and have resided in said county since May, 1855.

In answer to the second interrogatory, the witness said: I have looked at the document annexed to the commission in this case,

amined as to the genuineness of signatures upon a document, the original of which is not produced.

San Francisco, Ap. 3, 1857.

WM. BLANDING,
Dist. Att'y.

Endorsed: Filed April 3, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of John W. Shore.

In the District Court of the United States for the northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } No. 428.

Deposition of John W. Shore, a witness produced and sworn on behalf of the appellants in this case, had and taken before me, Myron Norton, commissioner duly appointed by this court, by virtue of the commission hereto annexed, on this 24th day of April, A. D. 1847, at the city and county of Los Angeles, State of California, no person appearing on behalf of the appellants, nor on behalf of the appellees.

In answer to the first interrogatory, the witness says: My name is John W. Shore; my age twenty-eight years; my pursuit is that of county clerk of the county of Los Angelos, State of California, and have resided in said county since January, A. D. 1851.

In answer to the second interrogatory, the witness said: I have looked at the document annexed to the commission in this case, and marked L. A. R., and have seen a document purporting to be an original one, of which the one annexed is a traced copy; I know it to be a traced copy from having seen the original, and having seen and examined the traced copy; the traced copy was made in my office by J. A. Henchman, deputy county clerk of Los Angelos county; the said original is now on file in my office, and the same has been kept in its present place of custody, to my knowledge, about three years and a half.

In answer to the third interrogatory, the witness said: I do not know the said document to be an original document.

In answer to the fourth interrogatory, the witness said: I am acquainted with the handwriting of Pio Pico, but am not acquainted with the handwriting of José M. Covarrubias; I have looked at a document on file in the office of the county clerk of Los Angelos county, southern district of California, of which the paper annexed to this commission, and marked L. A. R., is a traced copy, and can state that the signature of Pio Pico appearing at the bottom of said document I believe to be his genuine signature, but the one appear-

4690

ing on the sixth line from the bottom of said document I cannot say whether it is his genuine signature or not.

In answer to the fifth interrogatory, the witness said: I cannot state anything further than I have before stated in answer to the interrogatories.

JOHN W. SHORE.

Sworn and subscribed before me this 24th day of April, A. D. 1857.

MYRON NORTON,
Commissioner.

UNITED STATES OF AMERICA,
Southern District of California.

I, Myron Norton, commissioner duly appointed by virtue of the commission hereto annexed, do hereby certify, that on this 24th day of April, A. D. 1857, I caused to be brought before me, at the city and county of Los Angelos, and in said district, John W. Shore, the witness named in said commission, who having been by me first duly sworn according to law, was by me carefully examined touching the interrogatories annexed to the said commission, and the testimony of the said witness was by me then and there reduced to writing, and after having been read by me to said witness, and corrected by him, was by him subscribed in my presence; all of which I certify in obedience to the said commission.

MYRON NORTON,
Commissioner.

Deposition of Joseph A. Henchman.

In the District Court of the United States for the northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } No. 428.

Deposition of Joseph A. Henchman, a witness produced and sworn on behalf of the appellants in this case, had and taken before me, Myron Norton, commissioner duly appointed by this court by virtue of the commission hereto annexed, on this 24th day of April, A. D. 1857, at the city and county of Los Angelos, State of California; no person appearing on behalf of the appellants, nor on behalf of the Appellees.

In answer to the first interrogatory, the witness said: My name is Joseph A. Henchman; my age twenty-nine years; my pursuit is that of deputy county clerk of Los Angelos county, State of California, and have resided in said county since May, 1855.

In answer to the second interrogatory, the witness said: I have looked at the document annexed to the commission in this case,

and marked L. A. R., and have seen a document purporting to be an original one, of which the one annexed to said commission is a traced copy: I know it to be a traced copy from having made it myself from the said original document; the said original is now on file in the office of the county clerk of Los Angelos county, and the same has been in its present place of custody, to my knowledge, nearly two years.

In answer to the third interrogatory, the witness said: I do not know the said document to be an original document.

In answer to the fourth interrogatory the witness said: I am not well acquainted with the handwriting of Pio Pico or José M. Covarrubias, but have seen them sign their names to documents, and believe that the signatures of the said Pico and Covarrubias appearing at the bottom of said document are their genuine signatures.

In answer to the fifth interrogatory the witness said: I cannot state anything further than I have before stated in answer to the interrogatories.

J. A. HENCHMAN.

Sworn to and subscribed before me, this 24th day of April, 1857.

MYRON NORTON,
Commissioner.

UNITED STATES OF AMERICA,
Southern District of California, ss.

I, Myron Norton, commissioner duly appointed by virtue of the commission hereunto annexed, do hereby certify that on this 24th day of April, A. D. 1857, I caused to be brought before me at the city and county of Los Angelos, in said district, Joseph A. Henchman, the witness named in the said commission, who having been by me first duly sworn according to law, was by me carefully examined touching the interrogatories annexed to the said commission, and the testimony of the said witness was by me then and there reduced to writing, and after having been by me read to said witness, and corrected by him, was by him subscribed in my presence.

All of which I certify in obedience to the said commission.

MYRON NORTON,
Commissioner.

Endorsed: Received April 27th, 1857. Opened April 29, 1857, by order of court, and filed April 29, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

4694

Stipulation and Order to Publish Depositions.

U. S. District Court.

JAMES M. LUCO et al.
vs.
THE UNITED STATES.

It is hereby stipulated that the depositions hitherto taken in this cause may be, and the same are hereby, published, and the clerk shall open the same.

San Francisco, Ap'l 30th, 1857.

WM. BLANDING,
Dist. Att'y.
CALHOUN BENHAM,
Att'y for Lucos.

Let the depositions mentioned in the above stipulation be opened.

O. HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed April 29th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

[*Here follows Traced Copy and Certificate of Surveyor General, page* 739.]

Deposition of J. P. Leese and C. Arenas.

United States District Court, northern district of California.

J M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees.

SAN FRANCISCO, *May 4th*, 1857.

On this day, before John A. Monroe, a commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c. &c., came Jacob P. Leese and Cayetano Arenas, *a* witnesses produced on behalf of the claimant, in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn and testified as follows:

Present, Calhoun Benham for plaintiff, and U. S. dist. attorney, Wm. Blanding.

Questions by Counsel for Plaintiff.

1st. What is your name, age, and occupation, and place of residence?

Answer. My name is Jacob P. Leese; aged 48; residence Mon-

terey; occupation a farmer. I am acquainted with José de la Rosa, and have been since 1836, here in California, where I have resided all the time.

2d. What do you know, if anything, in relation to a grant of land in California to José de la Rosa?

Answer. I know that about the end of '46, or beginning of '47, in the house of Gen'l Vallejo, of a conversation having taken place, when mention was made of José de la Rosa having a grant of land in district of the country known as the Putas, to the northward of the Suisun. I have heard frequently after that time of the grant being spoken of.

Cross-ex'd. In what business was José de la Rosa engaged during the time knew him?

Answer. In 1836 he had charge of the gov't printing press in Monterey, and continued as such until he removed to Sonoma, which was about the year 1840. After his removal there he officiated as a warden in the church up to 1845, and then was elected alcalde, and I do not know his occupation thereafter. He was living with Gen'l Vallejo, and acted as a kind of overseer to Gen'l Vallejo. He had a little shop in Sonoma, which Gen'l Vallejo gave him, and managed it until the war; the shop contained a billiard table and some groceries, and I understood they were in partnership. I don't recollect that he had any quantity of stock, but he had a horse or cow or so. I know nothing of his having a ranch until 1846. My business made me acquainted with the land in the vicinity of Sonoma, and my business led me to know who owned land in that section of the country.

Question. Name all the persons whom you heard mention a grant to de la Rosa prior to 1853, with the time, place, and circumstance.

Answer. I don't know that I can mention all the persons. I can name some of the persons I have heard mention de la Rosa's grant. They are Salvador Vallejo, Prudon Juan Castañada; these I particularly recollect.

Question. Where was de la Rosa, and what was he doing, from July, '46, to Feb'y, 1853?

Answer. De la Rosa resided in the town of Sonoma up to the latter end of 1848, and during that time he lived with Gen'l Vallejo, and acted as steward, taught music to General Vallejo's children, and was not a man of any means, and I rather think Gen'l Vallejo gave him an opportunity to support himself from charitable motives. This continued from '46 to '48. I know where a piece of land called Tulay is situated, for which a grant was applied for by one of the Berreyesas.

(Objected to by counsel for claimants.)

I never was on the land, but it lies in the first ridge of mountains after crossing Napa valley, between that and Vaca ranch, to the N. E. of Napa city. The tract of land I have reference to was granted to two of the Berreyesas, and I have seen the grant, but it has no connexion with the Putas.

J. P. LEESE.

Sworn to and subscribed to before me, this 4th day of May, A. D. 1857.

JNO. A. MONROE,
Commissioner.

Cayatano Arenas being duly sworn, [his testimony being interpreted by John Argus, a sworn interpreter,] deposes and says: My name is Cayatano Arenas; aged 32 years; and reside at Buenaventura. I resided at Los Angelos in the latter part of '45 and first part of '46, and was a clerk in the govm't employ at the governor's office in that place.

I have examined the original grant to José de la Rosa in this case, and the signatures, and of Pio Pico and José M. Covarrubias, as they appear thereupon. I am acquainted with the signatures of Pio Pico and José M. Covarrubias, and as clerk had occasion to see them write frequently. The signature as it appears on the original grant as to Covarrubias is genuine, but that of Pio Pico is somewhat different as to his usual mode of signing. I believe the signature of Pio Pico is genuine, but I will not swear to it, because his signature varies from his customary mode of signing, [at this point the original papers are brought in and presented to the witness, which he recognised as the papers he saw in the office of the surveyor general,] and he says the seals are govm't seals, and are genuine. During my employment as clerk in the governor's office, I saw a grant to de la Rosa in 1845 for a sobrante. I think, at the latter part of '45 and early part of '46, there were some extraordinary sessions of the departmental assembly. I am at present a farmer, and live on my own farm, and cultivate it.

Cross-examined.

I was in the employment of the gov't two or three days after Pio Pico was governor, until the end of his commission; I was employed in different departments, frequently wrote titles, and copied papers, but don't recollect everything I did; sometimes it was my business to file papers, touching titles to land; there were other employees whose duty it was to file titles to land, &c.; sometimes the business was large and at other times small; I took no account of the grants made; I saw a grant written in the office, and signed by Covarrubias, but I cannot say whether the original, now shown to me, is the same paper or not; I have seen several grants signed by Covarrubias; the paper on which the original grant

is written is on the paper which was used at the time, but I cannot say whether this is the same paper or not; I don't know the cause of the variation of Pio Pico's signatures; he signed just as he pleased; I recollect the year I saw the signature, but do not recollect the month; I can't say the paper produced is the paper I saw in the governor's office, but I saw one precisely like this. I know it was a sobrante grant, because at the time there was a dispute between Wolfskill and Vaca, which drew my attention to this, and therefore I learned it was a sobrante grant; I read the petition and I read the title; that the title that I saw was one from Covarrubias; I have read this title before this court, and I cannot say if this is the same one or not; Don Pio was the decano vocal; that he ought to have called the asamblea together; I do not know if he did or not. The assembly sat in the adjoining room where I was; they never told me what they were doing; the assembly met in a building called last year the Billa Union, in Los Angeles; I do not know what they call it now; I saw several officials there; the *the* officials were Lopez, Covarrubias and others; the adjoining room in which I sat was my office; I have seen José de la Rosa, but do not know him personally; I know him by sight; de la Rosa's business, I do not recollect well if he was translator or not of the government; there was so many concessions made at the time that I do not recollect them; if I saw them I could tell them; I cannot say exactly how many; there was several; I never took an account of them; I do not know if there was 1,000 or not; José de la Rosa was compositor; that is the word I intend to say *why* I used the word translator; I do not know what duties he had; he had a printing office; I do not know what kind of printing was made.

Re-examined by Attorney for Claimants.

The records of titles were not made in any book at all; the records were entered on loose sheets of paper sewed together, which sometimes fell apart; this was about the end of the year 1845.

Cross-examined.

Question. What the words "queda tomar razon en el libro respectivo" signifies?

Answer. The grant is written first, and then the "tomar de razon" is taken afterwards.

CAYETANO ARENAS.

Sworn to subscribed before me, this 4th day of May, 1857.

JNO. A. MONROE,
U. S. Commissioner.

Endorsed: Filed May 5th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Affidavit of Pio Pico, certified by Surveyor General.

STATE OF CALIFORNIA,
County of Los Angeles.

Personally appeared before me Pio Pico, who being duly sworn, deposes and says, that the original document hereunto annexed, bearing date the 4th day of December, A. D. 1845, was signed by him, and that the said José de la Rosa mentioned therein was at that time a citizen of Mexico, and that José Ma. Covarrubias was at that time acting as secretary of the then existing government, and that said document was drawn according to the forms required by law.

PIO PICO.

Sworn to and subscribed before me, in the city of Los Angeles, this 9th day of June, A. D. 1853.

G. BOMPTON BUNCH,
Justice of the Peace.

OFFICE OF THE SURVEYOR GENERAL OF THE
UNITED STATES OF CALIFORNIA.

I, John C. Hayes, surveyor general of the United States for the State of California, and as such, having on file in my office and in my charge and custody the records and papers of the late board of United States commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed pages of tracing paper numbered from one to , inclusive, exhibit a true and accurate copy of a document on file in case No. 813 on the docket of said commission, in which Juan M. Luco et al. are claimants of a place called Ulpino, (endorsed:) No. 813. Juan M. Luco et al. Ulpino. Exhibit No. 1, R. A. T., annexed to the deposition of Man'l Castro, in case No. 813. May 18, 1855. Filed in office May 18, 1855. Geo. Fisher, sec'y. Recorded in record of Evidence, vol. 21, pages 645, 646.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this 30th day of May, 1857.

[SEAL.]

JOHN C. HAYES,
U. S. Surveyor Gen'l of California.

Extract of the 2d section of the act of Congress "provided for the survey of public lands in California, and for other purposes," approved March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general, (California,) and any copy or extracts from the plats, field-notes, and other records and documents on file in his office, when

is written is on the paper which was used at the time, but I cannot say whether this is the same paper or not; I don't know the cause of the variation of Pio Pico's signatures; he signed just as he pleased; I recollect the year I saw the signature, but do not recollect the month; I can't say the paper produced is the paper I saw in the governor's office, but I saw one precisely like this. I know it was a sobrante grant, because at the time there was a dispute between Wolfskill and Vaca, which drew my attention to this, and therefore I learned it was a sobrante grant; I read the petition and I read the title; that the title that I saw was one from Covarrubias; I have read this title before this court, and I cannot say if this is the same one or not; Don Pio was the decano vocal; that he ought to have called the asamblea together; I do not know if he did or not. The assembly sat in the adjoining room where I was; they never told me what they were doing; the assembly met in a building called last year the Billa Union, in Los Angeles; I do not know what they call it now; I saw several officials there; the *the* officials were Lopez, Covarrubias and others; the adjoining room in which I sat was my office; I have seen José de la Rosa, but do not know him personally; I know him by sight; de la Rosa's business, I do not recollect well if he was translator or not of the government; there was so many concessions made at the time that I do not recollect them; if I saw them I could tell them; I cannot say exactly how many; there was several; I never took an account of them; I do not know if there was 1,000 or not; José de la Rosa was compositor; that is the word I intend to say *why* I used the word translator; I do not know what duties he had; he had a printing office; I do not know what kind of printing was made.

Re-examined by Attorney for Claimants.

The records of titles were not made in any book at all; the records were entered on loose sheets of paper sewed together, which sometimes fell apart; this was about the end of the year 1845.

Cross-examined.

Question. What the words "queda tomar razon en el libro respectivo" signifies?

Answer. The grant is written first, and then the "tomar de razon" is taken afterwards.

CAYETANO ARENAS.

Sworn to subscribed before me, this 4th day of May, 1857.

JNO. A. MONROE,
U. S. Commissioner.

Endorsed: Filed May 5th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Affidavit of Pio Pico, certified by Surveyor General.

STATE OF CALIFORNIA,
County of Los Angeles.

Personally appeared before me Pio Pico, who being duly sworn, deposes and says, that the original document hereunto annexed, bearing date the 4th day of December, A. D. 1845, was signed by him, and that the said José de la Rosa mentioned therein was at that time a citizen of Mexico, and that José Ma. Covarrubias was at that time acting as secretary of the then existing government, and that said document was drawn according to the forms required by law.

PIO PICO.

Sworn to and subscribed before me, in the city of Los Angeles, this 9th day of June, A. D. 1853.

G. BOMPTON BUNCH,
Justice of the Peace.

OFFICE OF THE SURVEYOR GENERAL OF THE
UNITED STATES OF CALIFORNIA.

I, John C. Hayes, surveyor general of the United States for the State of California, and as such, having on file in my office and in my charge and custody the records and papers of the late board of United States commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed pages of tracing paper numbered from one to , inclusive, exhibit a true and accurate copy of a document on file in case No. 813 on the docket of said commission, in which Juan M. Luco et al. are claimants of a place called Ulpino, (endorsed:) No. 813. Juan M. Luco et al. Ulpino. Exhibit No. 1, R. A. T., annexed to the deposition of Man'l Castro, in case No. 813. May 18, 1855. Filed in office May 18, 1855. Geo. Fisher, sec'y. Recorded in record of Evidence, vol. 21, pages 645, 646.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this 30th day of May, 1857.

[SEAL.]

JOHN C. HAYES,
U. S. Surveyor Gen'l of California.

Extract of the 2d section of the act of Congress "provided for the survey of public lands in California, and for other purposes," approved March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general, (California,) and any copy or extracts from the plats, field-notes, and other records and documents on file in his office, when

is written is on the paper which was used at the time, but I cannot say whether this is the same paper or not; I don't know the cause of the variation of Pio Pico's signatures; he signed just as he pleased; I recollect the year I saw the signature, but do not recollect the month; I can't say the paper produced is the paper I saw in the governor's office, but I saw one precisely like this. I know it was a sobrante grant, because at the time there was a dispute between Wolfskill and Vaca, which drew my attention to this, and therefore I learned it was a sobrante grant; I read the petition and I read the title; that the title that I saw was one from Covarrubias; I have read this title before this court, and I cannot say if this is the same one or not; Don Pio was the decano vocal; that he ought to have called the asamblea together; I do not know if he did or not. The assembly sat in the adjoining room where I was; they never told me what they were doing; the assembly met in a building called last year the Billa Union, in Los Angeles; I do not know what they call it now; I saw several officials there; the *the* officials were Lopez, Covarrubias and others; the adjoining room in which I sat was my office; I have seen José de la Rosa, but do not know him personally; I know him by sight; de la Rosa's business, I do not recollect well if he was translator or not of the government; there was so many concessions made at the time that I do not recollect them; if I saw them I could tell them; I cannot say exactly how many; there was several; I never took an account of them; I do not know if there was 1,000 or not; José de la Rosa was compositor; that is the word I intend to say *why* I used the word translator; I do not know what duties he had; he had a printing office; I do not know what kind of printing was made.

Re-examined by Attorney for Claimants.

The records of titles were not made in any book at all; the records were entered on loose sheets of paper sewed together, which sometimes fell apart; this was about the end of the year 1845.

Cross-examined.

Question. What the words "queda tomar razon en el libro respectivo" signifies?

Answer. The grant is written first, and then the "tomar de razon" is taken afterwards.

CAYETANO ARENAS.

Sworn to subscribed before me, this 4th day of May, 1857.

JNO. A. MONROE,
U. S. Commissioner.

Endorsed: Filed May 5th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Affidavit of Pio Pico, certified by Surveyor General.

STATE OF CALIFORNIA,
County of Los Angeles.

Personally appeared before me Pio Pico, who being duly sworn, deposes and says, that the original document hereunto annexed, bearing date the 4th day of December, A. D. 1845, was signed by him, and that the said José de la Rosa mentioned therein was at that time a citizen of Mexico, and that José Ma. Covarrubias was at that time acting as secretary of the then existing government, and that said document was drawn according to the forms required by law.

PIO PICO.

Sworn to and subscribed before me, in the city of Los Angeles, this 9th day of June, A. D. 1853.

G. BOMPTON BUNCH,
Justice of the Peace.

OFFICE OF THE SURVEYOR GENERAL OF THE
UNITED STATES OF CALIFORNIA.

I, John C. Hayes, surveyor general of the United States for the State of California, and as such, having on file in my office and in my charge and custody the records and papers of the late board of United States commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed pages of tracing paper numbered from one to , inclusive, exhibit a true and accurate copy of a document on file in case No. 813 on the docket of said commission, in which Juan M. Luco et al. are claimants of a place called Ulpino, (endorsed:) No. 813. Juan M. Luco et al. Ulpino. Exhibit No. 1, R. A. T., annexed to the deposition of Man'l Castro, in case No. 813. May 18, 1855. Filed in office May 18, 1855. Geo. Fisher, sec'y. Recorded in record of Evidence, vol. 21, pages 645, 646.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this 30th day of May, 1857.

[SEAL.]

JOHN C. HAYES,
U. S. Surveyor Gen'l of California.

Extract of the 2d section of the act of Congress "provided for the survey of public lands in California, and for other purposes," approved March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general, (California,) and any copy or extracts from the plats, field-notes, and other records and documents on file in his office, when

attested as such by the said seal and the signature of the surveyor general, shall in all judicial matters have the same force and effect as the original."

Endorsed: Filed May 30, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Account of Rafael Giraldo as Witness.

THE UNITED STATES TO RAFAEL GIRALDO, DR.

For attendance on behalf of the govern't as a witness, in obedience to a subpœna, before the commissioner for taking testimony to be used before the board of commissioners to ascertain and settle the private land claims in the State of California, on the 16, 17, 18, and 19 days of the month of June, 1855, in case No. 813, in which J. M. Luco et al. are claimants.....	12 00
To 540 miles' travel from his residence in Los Angeles to San Francisco, and the same distance in returning, 1,080 miles, at 10 c. per mile.....	108 00
	$120 00

I hereby certify that the above account is just and correct, and that the party was subpœnaed and attended as a witness at my instance on behalf of the United States.

(Signed) J. H. McKUNE,
U. S. Law Agent.

Personally appeared before me the above named Rafael Giraldo, and made oath that the above account is just and true.

(Signed) R. AUG. THOMPSON,
Com'r.

Rec'd of R. Aug. Thompson, disbursing agent for said commissioner, the sum of one hundred and twenty dollars in full for the above account.

(Signed) RAFAEL GUIRADO.

$120.

I hereby certify that the within is a true copy of an account paid by me to Rafael *Galnido* for his attendance as a witness before the U. S. commissioner to ascertain and settle private land claims in California.

Given under my hand this 30th day of June, 1855.

R. AUG. THOMPSON,
Com'r.

I, John C. Hayes, U. S. surv. gen'l for the State of California,

and as such having in my custody the papers of the late board of land commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing to be a full, true, and correct copy of a document on file in case No. 813 on the docket of said board, in which Juan M. Luco et al. are claimants of a place called Ulpinos, (endorsed:) Copy of account of Rafael Guirado for witness fees and travelling expenses, as sworn to by him before Commissioner R. Aug. Thompson, on the 19th day of June, 1855. Filed in office July 3, 1855. Geo. Fisher, sec'y. Recorded in records of Ev., vol. 21, pages 648 and 649.

Given under my hand and official seal, at the city of San Fran-
[SEAL.] cisco, this 30th day of May, 1857.

JOHN C. HAYES,
U. S. Surv. General.

Endorsed: Filed May 30, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Joseph Hooker.

United States District Court, northern district of California.

THE UNITED STATES }
vs.
J. M. LUCO et al. }

SAN FRANCISCO, *June 1st*, 1857.

On this day, before J. Edgar Grymes, special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came Joseph Hooker, a witness produced on behalf of the United States in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, United States district attorney, and Calhoun Benham, esq., for claimants.

Questions by U. S. Dist. Att'y.

Ques. What is your name, age, occupation, and place of residence?

Ans. My name is Joseph Hooker; 38 years old; am a farmer; and I reside in Sonoma county.

Ques. Do you know Salvador Vallejo and the Messrs. Luco, and how long?

Ans. I do; I have known Salvador Vallejo since 1849, and I

believe my acquaintance with Messrs. Luco commenced in 1853 or 1854.

Ques. Did you ever have any business transactions with Salvador Vallejo and the Messrs. Luco, or either of them? If so, state what it was, and when.

(Question objected to by claimants' counsel.)

Ans. I remember but of one business transaction in which Salvador Vallejo Mr. Juan M. Luco were concerned. In the year 1854, in order to discharge an obligation of Salvador Vallejo to me, Salvador Vallejo gave me an order on Mr. Luco for 20 or 25 (here counsel for claimant objects to the contents of any order being stated, said being not produced or accounted for) head of cattle, or about that number; the order was taken to Mr. Luco and the cattle was duly delivered on it; said cattle was delivered to my agent, and sold to the butcher in Benicia.

JOSEPH HOOKER.

Sworn to and subscribed before me this 1st June, 1851.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 2, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of J. H. Berry.

United States District Court, northern district of California.

THE UNITED STATES vs. J. M. LUCO et al. } San Francisco.

On this day, before J. Edgar Grymes, commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came J. H. Berry, a witness produced on behalf of the United States, in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. dist. attorney, and Calhoun Benham, esq., for claimants.

Questions by U. S. District Attorney.

Ques. What is your name, age, occupation, and place of residence?

Ans. My name is J. H. Berry; 27 years old; and am a farmer, and I reside in Suisun valley.

2d. How long have you been in the State of California, and where have you principally resided?

Answer. I have been here ten years, and have resided principally in Suisun valley.

3d. Do you know José de la Rosa; and if so, how long?

Answer. I have known him since 1847; I knew him by sight at that time; I first saw him in 1847, and have known him by sight since then.

Ques. State what, if any, conversations you have had or heard with José de la Rosa concerning lands in California at any time.

(Objected to.)

Answer. Rosa and my brother were at one time in conversation about lands (Knight's ranch, at Sacramento) when I was present. Rosa said there would be a great deal of trouble about land; that a great many of papers were only alcalde papers, and were not good; said at the same time he would not be troubled in that way—that he had no ranch. This was in 1847, towards fall of that year.

Question. In that conversation did he say anything about papers, titles to land, &c.?

Answer. He spoke about papers, and said there was a great many would not be good.

Cross-ex'd.

How long had you been in California at the time of the conversation alluded to?

Answer. Some six months.

Ques. Did you speak Spanish at that time?

Ans. No.

Ques. In what language was the conversation?

Ans. English and Spanish mixed.

Ques. Did your brother speak Spanish?

Ans. A little, like I did; I knew a few words.

Ques. In what language was Rosa's conversation held?

Ans. In English, except a few words of Spanish names.

Ques. Where is your brother?

Ans. In Montezumas hills, Solano county.

Ques. Are not the Montezumas hills embraced in the tract claimed in this case?

Ans. Yes, my brother is living there on a tract of land; don't know by what title he holds; he has not purchased of the Lucos to my knowledge; I live on Ritchie and Waterman's claim; I have conversed recently with no one but the dist. att'y; did not know what I came here for.

Direct resumed.

Was it before or after the conversation that your brother settled on this claim?

Answer. It was after, about the year 1853; the last time I saw Rosa he did not speak English very well, but so to be understood.

JOHN H. BERRY.

believe my acquaintance with Messrs. Luco commenced in 1853 or 1854.

Ques. Did you ever have any business transactions with Salvador Vallejo and the Messrs. Luco, or either of them? If so, state what it was, and when.

(Question objected to by claimants' counsel.)

Ans. I remember but of one business transaction in which Salvador Vallejo Mr. Juan M. Luco were concerned. In the year 1854, in order to discharge an obligation of Salvador Vallejo to me, Salvador Vallejo gave me an order on Mr. Luco for 20 or 25 (here counsel for claimant objects to the contents of any order being stated, said being not produced or accounted for) head of cattle, or about that number; the order was taken to Mr. Luco and the cattle was duly delivered on it; said cattle was delivered to my agent, and sold to the butcher in Benicia.

JOSEPH HOOKER.

Sworn to and subscribed before me this 1st June, 1851.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 2, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of J. H. Berry.

United States District Court, northern district of California.

THE UNITED STATES vs. J. M. LUCO et al. } San Francisco.

On this day, before J. Edgar Grymes, commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came J. H. Berry, a witness produced on behalf of the United States, in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. dist. attorney, and Calhoun Benham, esq., for claimants.

Questions by U. S. District Attorney.

Ques. What is your name, age, occupation, and place of residence?

Ans. My name is J. H. Berry; 27 years old; and am a farmer, and I reside in Suisun valley.

2d. How long have you been in the State of California, and where have you principally resided?

Answer. I have been here ten years, and have resided principally in Suisun valley.

3d. Do you know José de la Rosa; and if so, how long?

Answer. I have known him since 1847; I knew him by sight at that time; I first saw him in 1847, and have known him by sight since then.

Ques. State what, if any, conversations you have had or heard with José de la Rosa concerning lands in California at any time.

(Objected to.)

Answer. Rosa and my brother were at one time in conversation about lands (Knight's ranch, at Sacramento) when I was present. Rosa said there would be a great deal of trouble about land; that a great many of papers were only alcalde papers, and were not good; said at the same time he would not be troubled in that way—that he had no ranch. This was in 1847, towards fall of that year.

Question. In that conversation did he say anything about papers, titles to land, &c.?

Answer. He spoke about papers, and said there was a great many would not be good.

Cross-ex'd.

How long had you been in California at the time of the conversation alluded to?

Answer. Some six months.

Ques. Did you speak Spanish at that time?

Ans. No.

Ques. In what language was the conversation?

Ans. English and Spanish mixed.

Ques. Did your brother speak Spanish?

Ans. A little, like I did; I knew a few words.

Ques. In what language was Rosa's conversation held?

Ans. In English, except a few words of Spanish names.

Ques. Where is your brother?

Ans. In Montezumas hills, Solano county.

Ques. Are not the Montezumas hills embraced in the tract claimed in this case?

Ans. Yes, my brother is living there on a tract of land; don't know by what title he holds; he has not purchased of the Lucos to my knowledge; I live on Ritchie and Waterman's claim; I have conversed recently with no one but the dist. att'y; did not know what I came here for.

Direct resumed.

Was it before or after the conversation that your brother settled on this claim?

Answer. It was after, about the year 1853; the last time I saw Rosa he did not speak English very well, but so to be understood.

JOHN H. BERRY.

Sworn to and subscribed before me this 1st day of June, 1857.

JNO. A. MONROE,
U. S. Commissioner.
J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 2d, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of John Hendley.

United States District Court, northern district of California.

THE UNITED STATES
vs.
JAMES M. LUCO et al.

SAN FRANCISCO, *June*, 5, 1857.

On this day, before J. Edgar Grymes, special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came John Hendley, a witness produced on behalf of the United States, in case No. 428, being an appeal *an appeal* from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn as follows:

Present, U. S. dist. att'y, and Calhoun Benham, esq., for claimants.

Questions by U. S. Dist. Att'y.

Ques. What is your name, age, and place and residence?

Ans. My name is John Hendley; 30 years old; and I reside in the town of Santa Rosa, Sonoma county.

Ques. How long have you resided in that county and State; what offices you have held there, if any?

Ans. I reside in Sonoma, since the fall of 1850; I was clerk and recorder in that county for little over 3 years, and at present I am county treasurer.

Ques. Are you acquainted with Mr. M. G. Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long have you known them?

Ans. I am acquainted with all three, and have known them since the fall of 1850.

Ques. Are you acquainted with the general reputation of each of these persons for truth and veracity; if yea, what is that reputation, good or bad?

Ans. In the community in which I reside, and which they reside, *that* far as my own information and knowledge extends, *that*

the reputation of Gen'l Vallejo, Salvador Vallejo, and de la Rosa is not good with a large majority of the persons living there for truth and veracity. It is not a universal, but a general reputation. I have heard some few say that they would believe him, Gen'l Vallejo; I have not heard much talked about Salvador Vallejo, and do not much know about his reputation; what I have heard is not very favorable; about de la Rosa, his reputation for truth and veracity has been uniformly bad from the first I knew him.

Ques. From your knowledge of the reputation of these persons, would you believe them under oath?

Ans. With Don Salvador, I cannot answer; I have never seen him tested; with José de la Rosa, would not believe him; about Gen'l Vallejo, if his interest conflicted with the matter at issue, I would not believe him, without his evidence was corroborated by other evidence. I arrive at this, the above conclusion, from his general reputation for truth and veracity in the county we both live in.

Ques. Have you known José de la Rosa intimately since you lived in Sonoma? if so, state the character of this intimacy.

Ans. I have known intimately as one would in a small village; I never associated with him. While I was clerk and recorder of the county, José de la Rosa frequently applied to me for work in the office to record Spanish papers; but, with probably *with* one or two *occasions* I never employed him, because I had no faith in his honesty. My belief was founded on his general reputation in the community.

Ques. What has been the social and pecuniary position of de la Rosa in Sonoma, since you knew him?

(Objected to.)

Ans. His position, as far as I can judge, was, that *it* was a dependant or half servant to Gen'l Vallejo. He told me himself that he was a tailor, and asked me to give him clothes to mend. The first 18 months of my acquaintance with him, he lived in an old adobe house with poor Spanish families, and from the manner he lived, his pecuniary position looked very bad. He told me himself he was very poor. Since the U. S. land commission has been established, he comes down here as a witness, and he says that he has money. I never saw any of it. He is better dressed, and apparently in a better pecuniary position.

Ques. Have you ever had or been present *to* any conversation with de la Rosa when he stated anything in relation to his being the owner or not of lands in California? If yea, state what you have learnt from him in relation to that matter, and when.

(Objected to.)

Ans. During the time that I was clerk and recorder, he came to me for work, and would tell me that he was so poor. I have frequently asked him why he did not have a grant or ranch like the

other Californians, and his reply, as far as I could understand him, was, that he was a tailor, and his family not living here, but in the State of Sonora; that he had no use for land, and had never asked for any, except a town lot to have his house on. I do not understand the Spanish language well; I always made him speak to me in English. When he first asked for anything, he pretends not to speak or understand the English language; but when forced, he speaks broken English; but enough to make himself understood to an intelligent man.

Ques. Did you ever have a conversation with de la Rosa in reference to a certain mortgage held by him of one of the Vallejos? if yea, state what he told you about it.

(Objected to.)

Ans. He had an instrument purporting to be a mortgage for several thousand dollars from Salvador Vallejo to himself. I asked him how it came that he had so much money to loan, when he had been telling me that he was poor? He shrugged his shoulders and said, that is no "hoy differencia;" that Salvador and him were very good; that Don Salvador was in some difficulty, and he did not wish to his house sold.

(Cross-examination waived.)

JNO. HENDLEY.

Sworn to and subscribed before me this 5th day of June, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Deposition of Thomas J. Boggs.

United States District Court, northern district of California.

THE UNITED STATES
vs.
JAMES M. LUCO et. al.

SAN FRANCISCO, *June 5th*, 1857.

On this day, before J. Edgar Grymes, a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came Thos. J. Boggs, a witness produced on behalf of the United States, in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. dist. att'y and Calhoun Benham, esq., for claimants.

Questions by U. S. Dist. Att'y.

Ques. What is your name, age, and residence?

My name is Thos. J. Boggs; 55 years old; and I reside in

Sonoma county; and I practise law. I have lived and practised law in that county ever since 1850.

Ques. Are you acquainted with the general reputation of each of these persons for truth and veracity in the community in which they reside? If so, what is that reputation, good or bad?

Ans. I believe that I am acquainted with their reputation in Sonoma; the reputation of M. G. and Salvador Vallejo is not good; de la Rosa is a man of no consideration in the community, and his reputation for truth and veracity is not good.

(Objected to so much of this answer as speaks of the consideration of de la Rosa in the community.)

Ques. From your knowledge of their reputation, or either of them, would you believe them on oath?

Ans. I would not.

Ques. Do you know Rafael Gyrado?

Ans. I believe I know the person, but not by his name; I know a person—I think I know him; he is an old man, and had the care of Gen'l Vallejo's garden some two years ago, and he sold fruit there; I am not positive of the time; if I am right in the person he acted as att'y in fact of one Garcia, in the sale of a tract of land in Mendocino county to Gen'l Vallejo.

Ques. What is the reputation of the said person, as you describe him, for truth and veracity in the community in which he resides? if you know it, is it good or bad?

Ans. I know very little of the person; I was consulted by him in reference to setting aside the sale above spoken of, of the tract of land; I made then some inquiries about him to several persons, who spoke very favorably of him, but I cannot say that I know his general reputation.

(So much of said questions objected to as precedes the remark that he does not know his general reputation as irresponsive to the question.)

Gyrado had not resided there long at that time, and does not reside there now.

Ques. While he resided in Sonoma, what was his reputation for truth and veracity?

Ans. As far as I could learn about it, it was favorable.

Ques. Did you ever have a conversation with José de la Rosa in reference to any interest he might have of lands in California? if yea, state the substance of the conversation, and at what time.

(Question objected to.)

Answer. I do not remember that I ever had a conversation with de la Rosa in reference to any interest he had in lands in California.

Ques. State whether you had or were present at any conversation, in Spanish or English, between yourself or any other person and de la Rosa on the subject of lands in California, at any time.

(Objected to.)

Answer. I was present at a conversation between de la Rosa and Mr. E. T. Peabody, I think either in the winter of 1851 or the spring of 1852, or it might be in the fall of 1851. They were conversing in Spanish. I understand Spanish very imperfectly, but I understood the conversation well enough to know that de la Rosa was giving to Mr. Peabody some account with the former governor of California, and others who had been conspicuous in the country, and that he spoke of them of his own personal knowledge, and seemed to have been intimate with them.

I requested Mr. Peabody then, with the view of amusing myself with de la Rosa, rather than with any other view, to ask de la Rosa why, when he had been intimate with those dignitaries, he had not got them to give him a large ranch or grant—so have been a conspicuous man himself, and a rich man. De la Rosa laughed and replied to Mr. Peabody in Spanish; I watched the answer, and think I understood the purport before Mr. Peabody's translation, and I understood him to say that he never had a grant in California for more than a town lot, because he was restrained by his *indis*-terestedness, and that he never thought of himself or his own interest; this was the purport of the translation of Mr Peabody.

(This about Peabody's translation objected to.)

This conversation recurred to my recollection when I learnt, some time afterwards, that some person by the name of Luco had made application for the confirmation of a large grant of land as the assignees of de la Rosa.

Ques. What has been the occupation or business of José de la Rosa from the time you have known him to the present time, and what was his position, social and pecuniary; was he a man of wealth or otherwise.

(Objected to.)

Ans. I do not know that he had any regular occupation; I have occasionally employed him to alter and repair articles of clothing; he stayed principally with Gen'l Vallejo and Salvador Vallejo.

I scarcely know how to describe his position; I am sure he was not received by them on the *foot* of equality; that he was something more than an ordinary servant in the ordinary acceptation of the term; I have always understood that he was poor.

Cross-examination.

Ques. Have you ever had any litigation with the Vallejos spoken of?

Ans. I once sued Salvador Vallejo for a fee due me for legal services; the suit was not litigated, as well as I recollect—judgment went by default; I never had any litigation or suit with Gen'l Vallejo; I have been employed several times in suits to collect money for Gen'l Vallejo.

Ques. How long did you know José de la Rosa prior to the early part of 1853?

Ans. I came to Sonoma in the fall of 1850, from which time I knew him. I have also sued Salvador Vallejo for money.

Ques. Where do you now reside, and to whom did the house you occupy formerly belong, if to any one but yourself; and how, if it belonged to another, did you acquire the same?

Ans. I reside in the city of Sonoma. The house in which I reside was owned originally by Salvador Vallejo. It was purchased at sheriff's sale, under an execution issued on a judgment obtained against Salvador Vallejo by one Thomas M. Ward. It was purchased by Thomas M. Ward. I have since purchased the house from Mr. Ward.

Ques. When did you first hear the reputation of Gen'l Vallejo for truth and veracity brought into question?

Ans. I do not know when I first heard the reputation of Gen'l Vallejo spoken of or brought into question. I think the first occasion in which I heard him spoken of unfavorably was in reference to his conduct about a certain transaction about which a suit was instituted by Oliver Boliero against M. G. Vallejo. That suit was tried in the fall of 1851. Afterwards I heard his reputation directly questioned.

Ques. State whether or not there was a great deal of land claimed for themselves in the neighborhood of Sonoma by the Vallejos.

Ans. Gen'l Vallejo claimed large tracts of lands in Sonoma county, and Salvador in the contiguous valley of Napa. I have understood that the Petaluma grant was squatted upon all over it. I know nothing of Salvador's lands being squatted upon, but I presume that it is as other grants. De la Rosa is quite a querulous, ridiculous, and amusing man. I know nothing of his family of my own knowledge.

Direct resumed.

Ques. When you say that de la Rosa was a querulous and ridiculous man, do you mean to say that he is foolish or idiotic?

Answer. No, sir.

TH. J. BOGGS.

Sworn to and subscribed before me June 5, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 5, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Marcos Vaca.

United States District Court, northern district of California.

THE UNITED STATES
vs.
J. M. LUCO et al.

SAN FRANCISCO, *June 6th*, 1855.

On this day, before J. Edgar Grymes, a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came Marcos Vaca, a witness produced on behalf of the claimants, in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows, his evidence being interpreted by J. Edgar Grymes, a sworn interpreter:

Present, U. S. dist. att'y, and Calhoun Benham for claimants.

Questions by

Ques. What is your name, age, and place of residence?

Ans. My name is Marcos Vaca; 37 years old; and I reside in Solano county.

Ques. Do you know Gen'l Vallejo, Salvador Vallejo, and José de la Rosa; if yea, how long?

Ans. I know all the three persons; have known them since 1842.

Ques. Are you acquainted with the general reputation for truth of the persons mentioned in the next preceding question? If yea, state the same.

Ans. According to my knowledge, their reputation is good for truth and veracity.

Ques. Judging from their reputation, would you or not believe them, or either of them, under oath?

Ans. I would believe them under oath.

Ques. State whether or not you know of any grant of land in California to José de la Rosa; if yea, state what you know relating to the same.

Ans. I never saw but I heard of a grant being given to José de la Rosa of a sobrante bordering on our grants called "Pulpines," in 1845 or 1846, or in those years.

Ques. What do you know of anything of said de la Rosa having occupied it?

Ans. I do not know whether he occupied it or not.

Ques. Do you know anything in relation to the occupation of said ranch by José de la Rosa?

Ans. I saw cattle there, but I do not know who they belonged to.

Ques. Do you know anything in relation to the family of José de la Rosa? If yea, state the same.

Ans. I know that he had a family, consisting of a wife and four boys.

Ques. Do you know where that family now is?

Ans. I do not know where his family is. I do not believe they are in California.

Ques. When did they go away from California, and with whom, if you know?

Ans. I do not recollect the year, but I believe it was in 1849 or 1850 that they went away with the wife's brother.

Ques. Do you know what the name of the wife's brother is? If yea, state the same, and who he was.

Ans. I do not know his name, nor who he was.

Ques. Do you know where José de la Rosa was at the time of the departure of his family as above stated?

Ans. I know that he was not in Sonoma, but I do not know where he was.

Ques. When did you hear of this grant being given to de la Rosa, as you state?

Ans. As I said before, in 1845 or 1846.

Ques. Who did you hear it from; who were present, if any persons; where did you hear it; and of what extent is the grant of which you heard?

Ans. I heard from the Messrs. Vallejo, Cayetano Juans, Juan Casteñado, and others. I do not recollect who was present. I spoke with the above gentlemen about it several times on rancho business. I heard of it in the houses of those gentlemen, and their families were present. I do not know the extent of it. I heard that it was the sobrante. I heard of it in conversation among the rancheros.

Ques. What was the number of the cattle you spoke of having seen; what brand they bore; if they bore a single brand, or many?

Ans. They were little more than less cattle; rather many than few. They bore two brands, of different persons. I recollect the brands; they were the brands of Don Salvador and Don Guadalupe Vallejo.

Ques. Where did José de la Rosa live in 1845 and 1846?

Ans. In Sonoma.

Ques. What was de la Rosa's business from 1845 to 1853?

Ans. In 1844 he was alcalde. Since then I do not know what his business has been.

Ques. Are your relations with de la Rosa intimate? Did you know him well?

Ans. I knew him well; not particularly intimate, but generally.

Ques. Did you ever speak with de la Rosa on business or other matters from 1845 to 1854?

Ans. No, sir. We have met, saluted each other, had general conversations, but never on business matters.

Ques. Did you ever live at the San *Francis* Hotel, or any other house, with José de la Rosa, in San Francisco or anywhere else; if so, where and when, and how long?

Ans. No, sir. I have never seen myself with him.

Ques. Are you one of the heirs of Manuel Vaca, the original grantee for the tract of land called "Las Putos?"

Ans. Yes, sir; I am.

Ques. Do you know, or have you heard at any time, the reputation of M. G. Vallejo, Salvador Vallejo, and José de la Rosa, or either of them, questioned?

Ans. I have heard nothing against their reputation.

his
MARCOS ⋈ VACA.
mark.

Sworn to and subscribed before me, June 6, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 6th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Theo. B. Cunningham.

United States District Court, northern district of California.

THE UNITED STATES
vs.
J. M. LUCO et al.

SAN FRANCISCO, *June 8th*, 1857.

On this day, before J. Edgar Grymes a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., came Theodore B. Cunningham, a witness produced on behalf of the United States in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. district attorney, and Calhoun Benham, esq., for claimants.

Questions by U. S. Dist. Att'y.

Ques. What is your name, age, and place of residence?

Ans. My name is Theodore B. Cunningham; 53 years old; and I reside in San Francisco.

Ques. 2. Are you the agent of the claimants in this case? if yea, state how long you have so acted.

(Question objected to.)

Ans. 2. I am the agent, and have been so since the latter part of 1853, or beginning of 1854.

Ques. 3. Did you go to the city of Washington charged with the business of obtaining the passage of a law allowing the claimants to file and prosecute their claim before the late board of U. S. land commissioners; if yea, did you take with you the original grant?

(Objected to.)

Ans. 3. I went to Washington for that purpose, but I did not take the original grant.

Ques. 4. What time did you start on that business, and when did you return?

Ans. 4. I left here I think on the 15th of February, 1854, and I returned in the latter part of August or September the same year.

Ques. 5. Did you take with you the affidavits of Pio Pico and José Maria *Carraoubius*, which affidavits are on file in this case; if yea, were they annexed to the original grant?

Ans. 5. I took those affidavits and several others; they were not annexed to the original grant.

Ques. 6. Did you see Mr. Petit, chairman of the Committee on Public Lands of the Senate of the U. S. in 1854; if so, did you give him the information on which he reported in favor of the passage of the law authorizing the claimants to file their claims in the land commission?

(Objected to.)

Ans. 6. I saw Mr. Petit several times in the Senate chamber. I do not recollect saying anything to him about this matter.

Ques. 7. Had the claimants any other agent at Washington on that business?

Ans. 7. They had. Mr. George H. Moore, of New York, had the principal management of the business at Washington.

Ques. 8. When did you first see the affidavits referred to by you, and where were they?

Ans. 8. I saw them in the latter part of 1853, in this city, in the possession of Mr. Luco.

Ques. 9. Were they then annexed together, or to the original grant?

Ans. I do not remember whether they were or not.

Ques. 10. Did you employ Mr. Moore to act for you as agent, and did you give him the information?

(Objected to.)

Ans. 10. I did. I carried letters to Mr. Moore from Mr. Edward Jones, his brother-in-law.

Ques. 11. Did you give him such information concerning the facts of this case as you had received from the claimants?

(Objected to.)

Ans. 11. I gave him all the information I had from every source, but particularly the documentary information.

T. B. CUNNINGHAM.

Sworn to and subscribed before me this 8th day of June, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 8, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Exceptions.

J. M. LUCO et al.
vs.
THE UNITED STATES. } No. 428.

United States District Court, northern district of California.

On appeal from the late board of U. S. land commissioners.

Be it remembered, that on this day of June, 1857, at the trial of the above entitled cause, the counsel for the United States objected against the introduction in evidence of the certificate of John W. Shore, county clerk of Los Angeles county, with the paper thereto annexed, on the following grounds:

1st. That the subject-matter sought to be proven is not, and cannot be proven by a certificate.

2d. If admissible evidence, the matter can only be shown by deposition showing the genuineness of the document, and that it was not placed among those papers for the purpose of making it evidence.

3d. The matter offered is not the best evidence of the fact, and is otherwise incompetent.

4. Because it appears that the paper was not correctly traced.

Endorsed: Filed June 8th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Exception.

J. M. LUCO
vs.
THE UNITED STATES. }

In the United States District Court, N. D. of California.

Be it remembered that on this day of June, 1857, at a term of this court this day held, the above entitled case being before the court for trial, the counsel for the claimants offered in evidence the depositions of Victor Castro, Santiago G. Arguello, Coyetano Arevas, and Juan Bandini, to prove that the departmental as-

sembly for California held sessions at different times between the 8th day of October, 1845, and the close of that year.

The counsel for the United States objected to the introduction of parol testimony to prove that fact, on the ground—

1st. It is an attempt to contradict the record by parol testimony.

2d. The best evidence of that fact is the production of the record of their session; and parol testimony of the fact ought not to be introduced without first proving the existence and loss of the record, and then only to prove the contents of the record.

Endorsed: Filed June 8th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of H. W. Halleck.

United States District Court, northern district of California.

THE UNITED STATES }
vs. }
JUAN M. LUCO et al. }

SAN FRANCISCO, *June 10th*, 1857.

On this day, before J. Edgar Grymes, a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came , a witness produced on behalf of the United States in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. district att'y, and Calhoun Benham, esq., for claimants.

Questions by .

What is your name, age, and place of residence?

My name is H. *G.* Halleck; 41 years; and reside in San Francisco.

Ques. Do you know José de la Rosa; if so, how long, and where?

Ans. I know him since 1847.

Ques. Have you ever had or heard any conversation between de la Rosa and yourself, or any other persons, in regard to his being the owner or not of any lands in California under a Mexican grant; if yea, where and when? and state the conversation.

(Objected to.)

Ans. I had a conversation with José de la Rosa and Robt. Greenhow in the hall of the commissioners in the latter part of 1852, or beginning of 1853, with respect to his (Rosa's) owning

Ans. 11. I gave him all the information I had from every source, but particularly the documentary information.

T. B. CUNNINGHAM.

Sworn to and subscribed before me this 8th day of June, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 8, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Exceptions.

J. M. Luco et al.
vs.
The United States. } No. 428.

United States District Court, northern district of California.

On appeal from the late board of U. S. land commissioners.

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1st. That the subject-matter sought to be proven is not, and cannot be proven by a certificate.

2d. If admissible evidence, the matter can only be shown by deposition showing the genuineness of the document, and that it was not placed among those papers for the purpose of making it evidence.

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4. Because it appears that the paper was not correctly traced.

Endorsed: Filed June 8th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Exception.

J. M. Luco
vs.
The United States. }

In the United States District Court, N. D. of California.

Be it remembered that on this day of June, 1857, at a term of this court this day held, the above entitled case being before the court for trial, the counsel for the claimants offered in evidence the depositions of Victor Castro, Santiago G. Arguello, Coyetano Arevas, and Juan Bandini, to prove that the departmental as-

sembly for California held sessions at different times between the 8th day of October, 1845, and the close of that year.

The counsel for the United States objected to the introduction of parol testimony to prove that fact, on the ground—

1st. It is an attempt to contradict the record by parol testimony.

2d. The best evidence of that fact is the production of the record of their session; and parol testimony of the fact ought not to be introduced without first proving the existence and loss of the record, and then only to prove the contents of the record.

Endorsed: Filed June 8th, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of H. W. Halleck.

United States District Court, northern district of California.

THE UNITED STATES
vs.
JUAN M. LUCO et al.

SAN FRANCISCO, *June 10th*, 1857.

On this day, before J. Edgar Grymes, a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came , a witness produced on behalf of the United States in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. district att'y, and Calhoun Benham, esq., for claimants.

Questions by .

What is your name, age, and place of residence?

My name is H. *G.* Halleck; 41 years; and reside in San Francisco.

Ques. Do you know José de la Rosa; if so, how long, and where?

Ans. I know him since 1847.

Ques. Have you ever had or heard any conversation between de la Rosa and yourself, or any other persons, in regard to his being the owner or not of any lands in California under a Mexican grant; if yea, where and when? and state the conversation.

(Objected to.)

Ans. I had a conversation with José de la Rosa and Robt. Greenhow in the hall of the commissioners in the latter part of 1852, or beginning of 1853, with respect to his (Rosa's) owning

lands in California; I cannot fix the date of the conversation, otherwise than it was the first time Mr. Greenhow examined de la Rosa as a witness in one of my cases, or cases I had charge of; in that conversation, in answer to a question from Mr. Greenhow or myself, as to how many or what grants of land he, Rosa, had received in California, he said he never had received any, or never had owned any land in California, giving as an answer that he was a printer, and did not want to be troubled with ranch property, and that, moreover, he had a home in any house in California; I mean this as the substance of the conversation as I now remember it; my recollection of it is not very distinct as to the particulars or the words used; I remember the occasion of it from having introduced Mr. Rosa to Mr. Greenhow as a friend of Mr. Rosa's brother; Mr. Greenhow asked the introduction.

Cross-ex.

Ques. Will you undertake to say positively that this conversation transpired prior to the 18th of March, 1853?

Ans. It may have been before or after that time; the conversation was in Spanish; I have nothing particular in my recollection by which I could fix the date within a period of six months; it was after the return of the commissioners from Los Angeles, in 1852, and I think it was during the time that Mr. Greenhow was acting as law agent.

Ques. Is de la Rosa a querulous or talkative old man?

Ans. Yes; I consider him a great talker, and in that sense I would consider him a querulous man, more fond of talking than men at his age.

Direct resumed.

Ques. Is José de la Rosa a fool, or an idiot, or either?

Ans. He is neither; I consider him a shrewd, sensible man.

Ques. State the times at which you first took depositions of de la Rosa in cases of which you had charge of the land commission, and if at these times Mr. Robert Greenhow was acting as law agent.

(Objected to by Mr. Benham.)

Ans. I think the first depo. taken by me of de la Rosa was in the Suisun case in the winter of 1852, ab't Feb'y; he was again examined as a witness in May and June, I think, in Gen'l Vallejo's cases; again about January, 1853, and at other times, I think, before and after; Mr. Greenhow was not present at any of the first depositions that I took of de la Rosa; Mr. Greenhow was present at depositions taken at latter part of 1852, or early part 1853.

H. W. HALLECK.

Sworn to and subscribed before me June 10th, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 10th, 1857.
JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of R. C. Hopkins.

United States District Court, northern district of California.

THE UNITED STATES
ads.
JUAN M. LUCO et al.

SAN FRANCISCO, *March* 30, 1858.

On this day, before the district court of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came R. C. Hopkins, a witness called by the court in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn and testified, as follows:

Present, the counsel for claimants.

This case having been heretofore submitted to the court by the late U. S. dist. att'y, and by the counsel for the claimants, and the court having reason to suppose that fuller and other information in regard thereto might be obtained by a more thorough examination of the archives, directed such examination on certain points mentioned by the court, in presence of both parties, be made by Mr. R. C. Hopkins, clerk in charge of the archives, and the said examination having been made, the said R. C. Hopkins was thereupon called and examined by the court, and testified as follows, it being announced by the court that either party was at liberty to cross-examine the witness at the close of his examination by the court.

(The counsel for the claimants objected to the taking of the said testimony.)

Ques. Have you with you in court the book heretofore testified to by you as purporting to be the book of Toma de razons for the years 1844 and 1845?

Ans. I have examined the book alluded to, and I produce it in court; all the grants dated in 1845, presented before the land commission, I find entered in this book, except one to Octaviano Gutierrez, dated in Nov., and having a certificate of the secretary setting forth that a note had been taken of it Nov. 13, 1845; there had been a provisional grant, however, of the land to the same person in 1844; a note of this last is found duly entered among the razones of 1844.

The first entry in this book for the year 1845 is made on the 15th March, 1845, and the last on the 23d December.

(The last part of the deposition objected to.)

There are one or two grants purporting to have been made previous to the 15th March and not entered.

The grants to E. L. Brown and the grant in this case are not entered; the grant in the case of Brown is dated December 29, 1845; the venta grants, or deeds on sales of missions at public auction, are not entered.

I have not examined the archives sufficiently to be able to state whether or not there are other espedientes of grants purporting to be issued in 1845; I have only examined those grants purporting to have been issued in 1845, which were presented to the board, as shown by their docket.

I have examined the espedientes on file in the archives for the purpose of ascertaining the number of signatures of Pio Pico occurring therein; his signature occurs in espedientes 298 times.

My examination and search for those signatures was from 1838; I began at his last signature, and searched back until I could find no more.

I have examined also the records and miscellaneous documents of the departmental assembly; his signature occurs 131 times from the commencement of the year 1840 up to August, 1846.

I have also examined the grants for 1845 and 1846, purporting to be made by Pio Pico as governor; his signature occurs at least one hundred times, making in all 639 signatures.

The 298 signatures found in the espedientes are remarkable for their uniformity without a solitary exception; in the 131 found in the records of the departamental assembly, I find the same uniformity with one exception; it appears to be a borrador or draft; it is signed Pico; the form of the signature is different from any that I have ever seen.

In the 100 signatures found in the grants, I find the same uniformity, with the exceptions I now present to the court.

The first is the grant in the case of E. L. Brown; the general shape of the letters is like the rest, but the rubric is unlike.

In my opinion it was not signed by Pio Pico; it is merely a matter of opinion founded on my acquaintance with his signature as it appears on documents in the archives.

I have never seen him write.

The next exception is the grant in the present case.

The next is the signature of Pio Pico in the certificate of approval to the grant to M. G. Vallejo of the Petaluma rancho; it bears a striking resemblance to the signature in the case of E. L. Brown.

The next exception is the signature to the decree of concession to M. Teodora Peralta for the rancho Buscocha, No. 648, before the commission.

It differs from all others that I have seen; the P's are made somewhat in the style of those in this case.

The next exceptions are eleven documents.

The first is in case No. 232, John Roland, for 11 leagues on the Stanislas, dated May 5th, 1846.

The second is No. 608, a grant to Escamilla for San Vicente, dated June 18, 1846.

The third is a certificate of approval of a grant to John Roland, dated May 4, 1846.

The next is No. 541, Gregorio Briones, for "Baulenas," dated 11 February, 1846.

The next is No. 205, the certificate of approval for Bolsa de Tomales, Jas. D. Galbraith et als., dated June 14, 1846.

The next is a grant to Manuel Castro for Laguna de Tache, dated Jan'y 10, 1846; there is no espediente for this grant.

The next is 357, Andreas Pico for Mokelumne, dated June 6, 1846; I think there is an espediente for this grant.

The next is 674, Rafael Sanchez, for San Lorenzo, dated the 27th July, 1846.

The next is document H. J. T. No. 1, annexed to deposition of N. A. Den in case No. 314, a communication of Pio Pico, dated May 7th, 1846.

All these last mentioned signatures differ from all others I have mentioned; they resemble each other; they are all uniform; they resemble each other, and differ from the others in the form of the P's.

In 1839, Pio Pico was administrator of the mission of San Luis Rey; I find his signatures on his correspondence at that time; it resembles in the form the signature to the grant in the present case; I find no such signatures later than 1839.

He seems at that time to have used this form of P, and that previously described by me indifferently.

The rubrics are very uniform throughout.

The rubric to the grant in this case seems to be different from his ordinary rubrica; that to the certificate resembles it more.

I find no grants purporting to have been approved between the 8th October, 1845, and March 2d, 1846, except this grant, and that in the case of Brown.

There are several grants issued between Oct. 8, '45, and March 2d, '46, which appear by the records to have been approved by the assembly.

One on the 23d Dec. '45, submitted May 8, and approved by assembly June 3d, '46.

One dated December 4th, 1845, and approved, as shown by the records of assembly, June 6th, 1846.

One dated Nov. 25, '45, submitted May 8, '46, and approved June 3, '46, as shown by the records.

No. 69, dated Nov. 21, 1845, submitted May 8, '46, and approved June 3d, as shown by records.

No. 70, dated Dec. 29th, certificate of approval dated Dec. 30, 1845; no record of this; it is the case of E. L. Brown.

No. 86, dated February 6th, 1846, submitted May 8th, and approved June 10th, 1846.

No. 189, grant dated November 4th, 1845, submitted May 8, approved June 6, 1846.

460, approved June 3d.

It was made some time in that interval, but I have not the date.

Cross-examined by District Attorney.

The only evidence of approval in the present case, and that of E. L. Brown, is that of the certificate attached to the expedientes. There is no evidence of such approval in the records of the assembly.

The journals of the proceedings of the assembly continue and are preserved up to a date subsequent to July, 1846.

The book produced by me is the only book purporting to be the book of Toma de razons for the time over which it extends. If there had been any other book, I should undoubtedly have known it.

Cross-examined by Counsel for Claimants.

The entries in this book for 1844 appear to be in the same handwriting up to the 15th Dec.; from that date up to the end of the year the writing is different.

The entries for 1845 are in the same handwriting. The entries are numbered in red ink, by whom I don't know, apparently in a hand different from that of any of the entries.

I am disposed to think this book may have been copied from borradores, or blotters, or memoranda, from the fact that in some instances the dates are misplaced, and the last entry is noted as having been omitted to be made Dec. 4th, the time it bears date.

I am confident there is no other book in the archives purporting to contain entries of grants made from Oct. 8, 1845, to March 2, 1846.

There is a grant on file in the records of the commission, purporting to have been made in February, '45, during the intervals between the last entry for 1844 and the first entry for 1845; there is no expediente on file in that case.

I think there are no other grants made in the interval between the last entry in 1844 and the first in 1845, except those I have mentioned.

I have not examined the expedientes in the archives; I can only testify with certainty as to grants presented to the board, purporting to have been made during the period over which the entries extend.

There is a book in which the grants were recorded at length, during years Figueroa's time; it was not continued subsequently.

The witness produces a document from miscellaneous documents of dep. assembly. Copy annexed to deposition, marked Exhibit No. 1.

None of the venta grants of missions purport to have been entered in the book, nor are they so entered.

The records of the departmental assembly for 1845 are partly in a book, and partly in loose sheets.

My impression, from an examination of the records, is, that the proceedings at an extraordinary meeting were not referred to or approved at the succeeding ordinary sessions.

The usual proceedings at extraordinary sessions matters of an urgent character; they assembled in obedience to the orders of the governors. I know of no case where grants purport to have been approved—that is, I know of no case where the records show such approval; I have not examined into the matter specially, but such is my general recollection.

The record of proceedings of Oct. 8th, 1845, shows that an act was passed, of which the document L. A. R., annexed to depositions of Henchman and Shore, purports to be a traced copy of an original bando, promulgating the same.

The entries in the book of razon are not always in the order of their dates. They, therefore, cannot have, in every instance, *have* been made at the time they are dated. In one instance an entry of a grant issued on the 19th is entered before the entry of one on the 11th; it is erased and placed after that on the 11th; also one on the 4th is entered after a note of a grant issued on the 23d, with a mem. explaining it. The leaves are all stamped, and there is a rubric on the top of each.

The legend on the seal is "De officio para el bien, de 1836 y 1837," sello cuatro. This seal is on all the pages, as well the written as the blank pages at the end.

I do not know whose the rubric is.

R. C. HOPKINS.

Subscribed and sworn to this 30th day of March, A. D. 1858.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed March 30th, 1858.

W. H. CHEVERS, *Clerk.*

Affidavit of Juan M. Luco—On Motion, &c.

U. S. Dist. Court, N. D. of California.

JUAN M. LUCO
vs.
THE UNITED STATES.

Juan M. Luco, one of the appellants in the above entitled cause, being duly sworn according to law, respectfully states that, since *of* the submission of said cause, he has been informed and believes that there is an original document in the possession of one Narciso Botello, a resident of Los Angeles, in the State of California, which will prove the fact that there were extraordinary sessions of the departmental assembly of California in the month of December, A. D. 1845, which said fact, as the appellant aforesaid is advised and believes, is material to his said cause.

And the said appellant further says, that he is informed and believes there are original documents on file in the office of the U. S. surveyor general of the State aforesaid, bearing signatures of Pio Pico, which are similar to the signatures of that officer to the documents of title in the case aforesaid, and will tend to show that the said last mentioned signatures are genuine, which fact is, as the said appellant is advised by his counsel, material and important in said cause.

JUAN M. LUCO.

Sworn to and subscribed before me, April 12th, 1858.

W. H. CHEVERS,
U. S. Commissioner.

Endorsed: Filed April 14th, 1858.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Affidavit of Juan M. Luco—On Motion, &c.

U. S. Dist. Court, N. D. of California.

JUAN M. LUCO et al.
vs.
THE UNITED STATES. } On Appeal from Land Commission.

Juan M. Luco, one of the appellants in the above entitled cause, being duly sworn, says that, by the steamer which arrived at this port on Sunday last, he received a letter from one Augustine Olvera, at Los Angeles, dated April the 7th, 1858, in which said Olvera, amongst other things, states what is here translated, viz:

"I have talked with Mr. Botello on the subject which you mention, and that gentleman, in view of the whole matter, has told me that although he will not venture to say that the title to which you refer was approved by the assembly, (for that is a thing of which he has no recollection,) but that he believes he can show you a document, in his judgment authentic, by which it is proved that that body held extraordinary sessions in the month of December of the year 1845."

And the said appellant further says, that the letter from which the above extract is made was in response to a letter written by

him to the said Olvera, requesting him to inquire of Narcisso Botello concerning the grant to de la Rosa, its confirmation, and the meetings of the departmental assembly in December, 1845.

And the said appellant further says, that he never knew of the existence of the document referred to in said letter before he received the same, although formerly made an effort to ascertain what said Botello would testify to.

And the said appellant states, that he is advised and believes that it is material to his said cause to prove the fact that said meetings of the assembly were holden in December, 1845, and that if he is allowed sufficient time, he can procure the attendance of the said Botello at this city along with the said document; that he thinks and believes he can have said witness here by the twelfth day of next month.

And, finally, the said appellant says that this application is not made for delay merely, but in good faith and for the ends of justice.

JOHN M. LUCO.

Sworn to and subscribed April 13th, 1858, before me.

W. H. CHEVERS,
U. S. Comm'r.

Endorsed: Filed April 14th, 1858.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Order allowing further Testimony to be taken.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-house, in the city of San Francisco, on Wednesday, the 14th day of April, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Hon. Ogden Hoffman, dist. judge.

Order opening Cause, &c.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees. } No. 428.

And now, at this day, came the appellants in the above entitled cause, by Calhoun Benham, their attorney, and move the court that the said cause be opened and continued until the twelfth day of May next; whereupon counsel for the appellees being heard, it is by the court ordered that the said cause be opened, and that the same be continued until the twelth day of May next, to enable the appellants to procure the attendance before the court of one Narciso Botello, with the document referred to in an affidavit this day filed by appellants.

Endorsed: Filed April 14th, 1858.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Deposition of Narcisso Botello.

United States District Court, northern district of California.

THE UNITED STATES }
ads. }
JUAN M. LUCO et al. }

SAN FRANCISCO, *April* 29, 1858.

On this day, before the district court of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came Narcisso Botello, a witness produced on behalf of the claimants in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 813 on the docket of the said board of commissioners, and was duly sworn, and testified as follows, his evidence being interpreted by Frederick A. Sawyer, a sworn interpreter.

Present, the district attorney and Mr. Blanding for the U. S., and Mr. Gould on behalf of Mr. Benham, for the claimants, also the Messrs. Luco, claimants in this case.

Question by Claimants' Counsel.

What is your name and residence?

Ans. My name is Narcisso Botello, and I reside in Los Angeles; have resided there since 1834; I hold the office of justice of the peace; I was elected in September of last year; I was a member of the departmental assembly elected in 1843; I entered on my duties in 1844; my connection with it terminated in the beginning of January, 1847.

Ques. Do you know José de la Rosa, and did you know him at that time?

Ans. I do know him, and did know him at that time.

Ques. What office did he hold under the former government?

Ans. He was the printer of the department.

Ques. For how many years did he occupy that office?

Ans. I can't recollect; I recollect he was filling that office when I entered on my office as deputy; I do not recollect particularly how long he held it; I do not recollect of any persons having been appointed his successor.

Ques. Do you know of his having been reputed printer for some years before you were elected?

Ans. I do not; I know he was printer at the time I was elected.

Ques. Was it a salaried office?

Ans. I do not know.

Ques. If de la Rosa had presented a claim for his services, was the treasury in a condition to pay him?

Ans. At that time the government was without funds to pay any one.

Ques. During the time of your service as deputy was the government in funds?

Ans. It was not.

Ques. Do you know anything of a grant or title of José de la Rosa to any land in California?

Ans. He has one which I have seen.

Ques. Did you know anything of such a title when you were member of the assembly?

Ans. I recollect that there was some talk about a title of de la Rosa to some lands in Sonoma, and that there were some proceedings in relation to it; but I do not know the conclusion of those proceedings.

Ques. When did you first see the title of which you have spoken?

Ans. I saw a copy of that title this year at Los Angeles, and have seen the original here at the surveyor gen'l's office.

Ques. State the particulars of what you heard about this title.

Ans. I recollect that there was some talk (se trato) about a title to lands in Sonoma in favor of José de la Rosa; I do not recollect in whose presence or in what office it took place, nor the particulars of the conversation; I do not recollect whether it was in the office of the governor or the hall of the assembly; it was in one or the other.

Ques. Do you know for what reason the governor had the intention of granting this land?

Ans. I don't know that the governor did have the intention to grant this land, as I never saw it.

Ques. Was any reason mentioned for giving this grant to de la Rosa?

Ans. I do not recollect hearing any reason mentioned.

Ques. Was this concession to be gratuitous?

Ans. I do not recollect that any grant was made; he asked for a grant in payment of his dues as departmental printer.

By the court:

Ans. I heard for the first time that there had been a grant when I saw the copy of the titulo.

Ques. Was de la Rosa present when this discussion took place?

Ans. I don't recollect; I think not.

Ques. Did this discussion take place while you were a member of the departmental assembly?

Ans. It did.

Ques. At what period of your term of office?

Ans. About the middle of my term.

Ques. What was the difference between a regular and an extraordinary session of the assembly?

Ans. The extraordin'y sessions were called on the happening of some extraordinary occurrence. During a recess or vacation in

their ordinary sessions they were sometimes called by the governor to an extraordinary session.

Ques. Was there any difference between the powers exercised in extraordinary sessions and those exercised in ordinary sessions?

Ans. There was no difference.

Ques. Was there any extraordinary session in December, 1845?

Ans. I do not know as a positive fact, but I have not doubt that there was one, for I have seen documents which show it.

(Vol. 9 from Archives produced, Mis. Records, Dep. papers, p. 341.)

Ques. State in whose writing that page is.

Ans. It is in the handwriting of Don Augustin Olvera.

Ques. What office did he hold?

Ans. He was probate secretary or assistant secretary to the governor.

(Translation read.)

Ques. Do you know of any title to land having been confirmed at an extraordinary session?

Ans. I know of a case where a title was confirmed at an extraordinary session.

Ques. Do you know of more than one?

Ans. No.

Ques. Whose was it?

Ans. It was a title for lands to establish a colony to Padre Macnamara; it was in 1846. I only recollect that it was discussed in the assembly, but would not have recollected the time unless I had seen the documents since.

Ques. Where did you see this document?

Ans. I saw it yesterday, or the day before, in the surveyor gen'l's office.

Ques. Do you recollect, independently of the documents, that the grant was approved?

Ans. I recollect there was a negotiation on the subject, but if before seeing the documents I had been asked whether it had been approved or not, I could not have answered.

Ques. Did you ever see Pio Pico write?

Ans. I have.

(Original paper shown witness.)

Ques. Examine the signature at the bottom of the marginal decree, and state your belief as to its genuineness.

Ans. I think it is his signature; there is something unusual in the P, but I have seen the same in other documents.

Ques. Examine the signature on page 5.

Ans. I believe this is the signature of Pio Pico.

Ques. Examine that on page 9.

Ans. I believe it to be his genuine signature.

To the court:

Ques. Were the extraordinary sessions only those which were called after an adjournment and during a vacation?

Ans. There were extraordinary sessions during the time of the ordinary sessions, as if the assembly had adjourned for 2 or 3 days and something occurred to call them together.

Ques. Did they not sometimes adjourn an ordinary meeting on motion to go into an extraordinary session on the same day?

Ans. It often occurred.

Ques. If the powers were the same at extraordinary and ordinary sessions, why did they adjourn an extraordinary session to go into an ordinary session on the same day?

Ans. If anything of a secret character occurred they would go into an extraordinary session to consider it.

Ques. Do you remember, independently of the document, that there were extraordinary sessions in December, 1845?

Ans. I do not recollect it of my own memory independently; if there were any, I attended them; I lived in Los Angeles.

Ques. Were the journals of these called extraordinary kept like the journals of the ordinary sessions?

Ans. They were; all the proceedings of the assembly were recorded.

Ques. Were the proceedings of the session read and approved at the next meeting? If there had been an extraordinary meeting and the next session were an ordinary meeting, would the proceedings of the extraordinary be read and approved at the ordinary meeting?

Ans. I can't speak positively, but I think it must have been so. It was necessary to read and approve the proceedings of the anterior meeting, and I think that at the next session, whether extraordinary or ordinary, the proceedings of the anterior meeting would be read and approved.

Ques. Is McNamara's grant the only one you recollect of having been presented to an extraordinary meeting?

Ans. It is the only one.

Ques. If, when the business for which the assembly was convened *was convened* at an extraordinary session was terminated, did they proceed to discuss other matters?

Ans. After that business was finished they could proceed to the transaction of ordinary business.

Ques. If the assembly had adjourned its meetings, and after the interval of some months had reassembled in ordinary session, would they have read and approved the proceedings of the last ordinary session and entirely omitted mention of any intervening sessions?

Ans. I cannot answer what would be done, but I think the pro-

ceedings of the last meeting, whether extraordinary or ordinary, would be read and approved at the next meeting.

Direct resumed.

(Vol. IV, 1841–1846, legislative records from archives, shown witness.)

Ques. Examine this letter dated Dec. 26th, 1845, and state who wrote it.

Ans. I wrote it.

Ques. How long were you ill during that month?

Ans. I was ill about 2 months. I was in the mission of San Buenaventura, 25 leagues off, for about 2 months; I can't be precise as to the time.

To the court:

Ques. How long had you been at San Buenaventura, when you wrote that letter?

Ans. I think about 8 days.

Ques. Do you remember when you left the capital?

Ans. About the 15th, I think, but I can't recollect.

APRIL 30*th*.

Direct Examination resumed.

Present, Mr. Benham for cl'ts, the dist. att'y, and Mr. Blanding.

(The 1st answer to a question on page 6 is read to witness.)

Ques. Do you mean to say that the first time you heard of the grant was when you saw the copy?

Ans. I was misunderstood; I heard of the grant when the petition was presented, at the time of the "solicitud."

Ques. Do you mean to say that you then heard whether a grant had or not been made?

Ans. No; I mean to say, as I said before, that proceedings were being had for the grant, but I did not then know that a grant had been made; I don't remember whether a grant was then made or not.

Ques. If the business of an extraordinary session was concluded at that session, was it necessary to read the minutes of such extraordinary session at the next following session?

Ans. No, it was not necessary, for the session being concluded it was not necessary to read and approve the proceedings.

Ques. Have you seen the book of "Tomar de Razon" produced in this case?

Ans. I have seen a book in the office of the surveyor, but I do not think it is the book used by the governor, for I have seen that book.

Ques. Describe the book in which the titles were registered at Los Angeles.

Ans. It was a square book, but different from that which I have seen here; it was a cuaduno, with loose leaves, without binding.

Ques. In whose handwriting were the entries?

Ans. It was generally in the Secretary Covarrubias'.

(Book of Tomar de Razon produced from archives and shown to witness, admitted to be the same heretofore produced in this case.)

Ques. Have you seen this book before; and if so, where?

Ans. This book I saw for the first time in the office of the surveyor gen'l.

Ques. Is this book the one used for registering titles during the residence of the government at Los Angeles?

Ans. No, it is a different book from that used at Los Angeles.

Cross-examination.

Ques. How many books of Tomar de Razon were there at Los Angeles?

Ans. I do not know how many.

Ques. Do you know whether there were more than one?

Ans. I do not know; the size was that of an ordinary sheet of paper, larger than that of the book produced from the archives.

Ques. Was it much larger?

Ans. It might have been of the same size; this appears to me to have been cut or trimmed.

Ques. Do you know the handwriting of Covarrubias?

Ans. I have known it; I don't know whether I should recognise it.

Ques. Do you know the period during which he was secretary?

Ans. I do.

Ques. When did he become secretary?

Ans. I do not recollect the time when he commenced his duties. His predecessor was Juan Bandini.

(Book of Razon shown witness, p. 17.)

Ques. Do you know that handwriting?

Ans. I don't recollect certainly, but it seems to me that it is the writing of a young man who wrote in the office at that time, named Francisco Lopez.

(Page 7 shown witness.)

This appears to me the writing of Don Augustin Olvera.

Ques. Where did you live at the end of November and beginning of December, 1845?

Ans. At Los *Anges.*

Ques. Where did José de la Rosa?

Ans. I believe in Sonoma.

Ques. How long had he lived there?

Ans. I don't know. He lived first at Monterey and then at Sonoma.

Ques. Do you know when he went to Sonoma?

Ans. I do not know, because I didn't know him, and I went very seldom to Monterey or Sonoma.

Ques. How long was he public printer?

Ans. I don't recollect.

Ques. Did you ever have any official intercourse with him?

Ans. I never did.

Ques. Did you ever attend any meeting of the assembly in Monterey?

Ans. I did in 1844; I saw Rosa there at that time.

Ques. What were the duties of the government printer?

Ans. I am not informed. I can't say.

Ques. Can you state any extraordinary session at which you were, and what was done?

Ans. I was present at many, but I can't remember what was done, nor their dates.

Ques. You say you have no doubt that there was an extraordinary session in 1845, from the documents you have seen; what documents do you mean?

Ans. One was a letter or proclamation of the governor, convening them; it is the same shown here yesterday.

Ques. Did extraordinary sessions terminate on the same day they commenced?

Ans. I don't recollect whether they terminated on same or lasted several days. Their duration depended on the business they had before them.

Ques. Do you remember of any lasting two weeks?

Ans. I do not recollect.

Ques. Is this document produced, the only means you have of knowing that an extraordinary session was held?

Ans. I remember to have seen a lettra convocatoria among my papers addressed to me. I have not got it now; I remember to have seen it formerly.

Ques. When did you receive your notice to attend?

Ans. It was on the 6th December, 1845.

Ques. Did you attend that meeting?

Ans. I don't recollect; it is probable I was there, for I was in Los Angeles.

Ques. Do you know when it terminated?

Ans. I don't remember when it terminated.

Ques. Did the summons you received show when the session was to terminate?

Ans. No, the duration of the session was not indicated.

Ques. Who was secretary of the assembly in 1845?

Ans. Don Augustin Olvera.

Ques. Were you ever secretary?

Ans. As deputy, very often, for when the secretary was absent it was customary to appoint a secretary to act in his place.

Ques. Was Covarrubias ever present at any of the sessions of 1845?

Ans. He had nothing to do with the assembly; he was secretary of the government.

Ques. Was he ever present?

Ans. I can't recollect particularly; he may have been.

Ques. Did you ever see Rosa at Los Angeles?

Ans. I don't recollect to have seen him.

Ques. Do you recollect any grants made about this time, the end of 1845?

Ans. No, I do not recollect.

Ques. Was not the consideration expressed in this grant different from that in other grants?

Ans. It was different; some grants were gratuitous, others in payment of dues.

Direct resumed.

Ques. What did you mean yesterday when speaking of the discussion respecting a grant of land to de la Rosa, in Sonoma; did you mean the town or the district?

Ans. The district.

To the court:

Ques. Did you ever receive any other lettra convocatoria during the month of December, 1845?

Ans. I received one other about the end of the same month for the 1st January, 1846. I do not recollect.

Ques. What was the date of this convocatoria?

Ans. I recollect from having seen my answer to it. The convocatoria was dated the 17th Dec., and my answer was on the 26th; I was then at San Buenaventura.

Ques. How many members were there of the assembly?

Ans. It was composed of 7.

Ques. Can you recollect when this discussion or conversation about Rosa's title occurred?

Ans. I cannot; it may have been '44, '45 or 46.

Ques. You speak of the time of the petition. Do you mean to say there was a petition?

Ans. There was a petition. It is probable I saw it. I recollect from my own knowledge that he petitioned for land in Sonoma, but I do not recollect whether I saw the petition, or heard it spoken of in the assembly, or in the governor's office, or by what means I knew the fact.

Ques. When did you first hear that the title had been issued?

Ans. When I saw the copy; I may have heard it before, but I do not recollect it.

Ques. If the governor had granted and the assembly confirmed

a grant to de la Rosa for 20, or 30, or 40 leagues, would you not have known it?

Ans. It is possible; I do not recollect.

Ques. Did you attend all the meetings up to the 15th when you left for San Buenaventura?

Ans. I do not know that there were sessions between the 6th and 15th all the time; but if there were, it was my custom and my duty to be there unless prevented.

Ques. Do you recollect that you were sick or prevented?

Ans. I do not recollect.

Ques. Can you state positively that you did attend all the meetings between the 6th and the 16th? Is it possible that this grant could have been approved at a session which you attended before the 15th, and you have forgotten the fact?

Ans. It is possible; why not?

Ques. Have you any recollection that the grant was approved at any session which you attended?

Ans. I have no recollection of it.

Ques. Do you know the rubric and seal on this book of Toma de razon?

Ans. I do not.

Ques. Did you hear this petition spoken of before or after you went to San Buenaventura?

Ans. I do not know whether it was before or after.

NARCISSO BOTELLO.

Sworn to and subscribed before me, this 30th April, 1858.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed April 30th, 1858.

W. H. CHEVERS, *Clerk.*

Signatures of Pio Pico and Letter of Narciso Botello, O. H. No. 1.

(1.) Archivese.

Remto a V. E. la adjunta noticia de los creditos pasiros segun la entrega hecha por el comisionado D'n Pablo de la Portilla, y los q'e en tiempo de mi administracion han sido causados, y tengo el honor de ponerlo en superior conocimiento para sus inteligencia y gob'o protestandole mi respeto y consideracion.

(2.) Dios y libertad. S'n Luis Rey, M'zo 6 de 1839.

PIO PICO.

Ex'mo S'or Gob'or del departam'to, Monterey.

Es en mi poder la cita q'e V. E. se sirbe hacerme para q'e como individuo de la junta territorial me presente en Monterey para el dia 15 del corriente con objeto de q'e ingrese a dicha corporacion en las sesiones extraordinarias q'e debe abrir en la espresada fecha

con bastante sentim'to tengo q'e poner en conocimiento de V. E. el que la casualidad en esta vez me ha impedido hacer a mi paiz con servicio q'e deseaba, un acontecimiento inesperado una
(4.) infermidad peligrosa, me ha relevado contra mis deseos de esta concurrencia; y para dar la mas integra satisfaccion a V. E. y a la ex'ma junta tengo el honor de acompañarlo certificacion formal del unico medico q'e en este momento se encuentra en el establecim'to de mi cargo.

Suplico á V. E. se sirba tener por justa la causa q'e dijo espuesta y admitir mi cenceras consideraciones de respeto.

Dios y libertad. S. Luis Rey, Feb'ro 1o de 1839.

PIO PICO.

Ex'mo S'or GOB'OR interimo de Californ's.

(3.) Se ha enterado este gob'no departam'tal de la escusa á que V. S. se refiere en nota de 1 de Feb'o y haciendo de ella el merito a que da lugar la pondra en el conocim'to de la ex'ma junta departamental p'a su superior resolucion.

Feb'o 22, 1839.

(5.) Ex'mo S'or:

Habiendo sido fuertamente atacade por una enfermedad que hace tiempo adolesco, á los pocos dias de mi llegada a este establecimiento de la cual aun no consigo alivio alguno hasta ahora, tengo el sentimiente de no poder asister á las sesiones de esa E. Asamblea, que tan dignamente, pucide y juramento de los s'res deputarlos unibam'te electos que deben prestar al 1a del proximo Enero conforme à la ley, a cuyos dos puntos si contrae la atenta nota oficial de V. E. f'ha 17 del corriente mes, que tengo el honor de contestar.

Espero que V. E. tendra la bondad de hacerlo asi presente a esa honorable corporacion p'a los fines que convengan y admitir las mas senseras consideraciones de mi adhesion y respeto.

(6.) Dios y lidertad. S'n Buenaventura, Diciembre 26 de 1845.

NARCISO BOTELLO.

Ex'mo S'or GOBERNADOR y PRESID'TE de la ex'ma asamblea departam'l.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, J. W. Manderville, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, as also the papers of the late board of commissioners "to ascertain and settle the private land claims in California," by virtue of the power vested in me by law, do hereby certify that the six (6) pre-

ceding and hereunto annexed pages of tracing paper, numbered from one to six inclusive, exhibit a true and accurate copy of original papers, as the same appear among said archives.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San Francisco, this 4th day of May, A. D. 1858.

[L. S.]

J. W. MANDERVILLE,
U. S. Surveyor General for California.

Extract from the 2d section of the act of Congress "providing for the survey of public lands in California, and for other purposes," approved March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general (California,) and any copy or extract from the plats, field-notes, and other records and documents on file in his office, when attested as such by the said seal, and the signature of the surveyor general, shall, in all judicial matters, have the same force and effect as the original."

Extract from an act of the legislature of the State of California, "concerning certified copies of certain instruments in writing," approved April 29th, 1857.

"Sec. 1. Copies of all papers lately belonging to the United States board of commissioners for the settlement of private land claims in California, and on file in the office of the surveyor general of the United States for the State of California, and all copies of documents and papers belonging to said surveyor's office, which copies shall have been duly certified to be true copies by said surveyor, shall be received and read in evidence in the same manner and with like effect as the originals."

Endorsed: Filed May 8th, 1858.

W. H. CHEVERS, *Clerk.*

Translation of Narciso Botello's letter, dated Dec. 26th, 1845.

Translation.

(Page 1 of traced copy.) I forward to your excellency the annexed report of the liabilities according to the returns made by the commissioner, Don Pablo de la Portilla, and also those which accrued during my administration, and I have the honor to submit it to your superior knowledge for your information and guidance.

(Let it be recorded.)

Assuring you of my respect and consideration,

God and liberty. San Luis Rey, March 6th, 1839.

(Page 2 of traced copy.) (Signed) PIO PICO,
(with rubric.)

To his Excellency the GOVERNOR of the Department, Monterey.

I have received the notice which your excellency is pleased to serve upon me to be present in Monterey, as a member of the territorial council (junta), on the 15th day of the present month, and to meet with the said body in extraordinary sessions to be opened on the said day. With much regret I have to advise your excellency that a casualty at this time has prevented me from serving my country as I desired.

(Page 4 of traced copy.) An unexpected event, a dangerous illness, has relieved me, against my will, from meeting at this session; and in order entirely to satisfy your excellency and the most excellent junta, I have the honor to forward herewith a formal certificate of the only physician to be found at present in the settlement under my charge. I pray your excellency will be pleased to regard as sufficient the reasons I have just set forth, and accept my sincere and respectful consideration.

God and liberty. San Luis Rey, Feb'y 1, 1839.

(Signed, with rubric) PIO PICO.

To his Excellency the GOVERNOR ad interim of the Californias.

(Page 3 of traced copy.) The government of this department has fully considered the excuse to which your honor refers in your note of February 1st, and will submit it to the deliberations of the most excellent junta of the department for its superior decision.

Feb'y 22, 1839.

(Page 5 of traced copy.)

Most Excellent Sir:

A few days after my arrival at this settlement, having had a violent attack of complaint which has afflicted me a long time, and from which I have not yet obtained relief, I regret that I am unable to attend the sessions of that excellent assembly over which you so worthily preside, and to assist the oaths of office which are to be taken by the gentlemen newly elected members, on the 1st of January next, according to law; to which two points the polite official note of your excellency, dated 17th of the present month, which I now have the honor to answer, is confined.

I hope your excellency will have the kindness to bring the same to the notice of that honorable body in order to take proper action thereon, and also accept the most sincere assurances of my attachment and respect.

(Page 6 of traced copy.) God and liberty. San Buenaventura, December 26th, 1845.

(Signed, with rubric) NARCISO BOTELLO.

To his excellency the GOVERNOR and PRESIDENT of the most Excellent Departmental Assembly.

Endorsed: Filed May 8th, 1858.

W. H. CHEVERS, *Clerk.*

Order or Convocation of the Departmental Assembly in Extraordinary Sessions for the 6th of Dec'r, 1845.

Gob'o &a.—Los deseos de atender al bien del departamento me obligan a reunir a sesiones extraordinarias a la ex'ma asamblea D. En consecuencia se servira V. S. concurrir a las dos de la tarde de este dia al salon de sesiones.

Con tal motivo retiro a V. S. las seguridades de mi distinguida aprecio.

Dios, &a. Angeles, Dieiembre 6, de 1845.

A los s'ores diputarlos Don Francisco Figueroa, Dn. Narcisco Botello y Dn. Francisco de la Guerra.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, J. W. Manderville, United States surveyor general for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify the above to be a full, true, and correct copy of a paper among the Spanish archives on file in my office, as the same appears in volume IX, miscellaneous departmental State papers, page 341.

In testimony whereof, I have hereunto signed my name officially, and affixed my official seal, at the city of San Francisco, this 1st day of May, A. D. 1858.

[SEAL.]

J. W. MANDERVILLE,
U. S. Sur. Gen'l Cal'a.

Endorsed: Filed 8th May, 1858.

W. H. CHEVERS, *Clerk.*

Translation of Order or Convocation of the Departmental Assembly in Extraordinary Sessions for the 6th of Dec., 1845.

Government, &c.—The desire of attending to the welfare of the department compels me to call together the most excellent departmental assembly in extraordinary sessions.

In consequence, your honor will be pleased to attend at 2 o'clock in the afternoon of this day, at the hall of sessions.

Wherefore I repeat to your honor the assurance of my distinguished regard.

God, &c. Angeles, December 6th, 1845.

To the members, Messrs. Don Francisco Figueroa, Don Narciso Botello and Don Francisco de la Guerra.

Endorsed: Filed May 8th, 1858.

W. H. CHEVERS, *Clerk.*

Stipulation as to Ex. O. H. No. 1, *and Ex. O. H. No.* 2.

U. S. Dist. Court, northern district of California.

JUAN M. LUCO et al., Appellants,
vs.
THE UNITED STATES, Appellees.

On Appeal from Land Commission.

The first four pages of the six pages of tracing paper collectively endorsed O. H. No. 1, and filed in this cause, exhibit the correspondence of Pio Pico as administrator of the mission of San Luis Rey, mentioned by R. C. Hopkins in his deposition in this cause, taken by the Hon. Ogden Hoffman. The two last pages of the six pages aforesaid show the letter of Narcisso Botello mentioned by him in his deposition taken in this cause.

The document endorsed O. H. No. 2, and filed in this cause, is a certified copy of the summons or convocation to the departmental assembly spoken of by Narcisso Botello in his said deposition.

May 14th, 1858.

CALHOUN BENHAM,
Of Counsel for the Appellants.
P. DELLA TORRE,
U. S. Att'y.

Endorsed: Filed May 14, 1858.

W. H. CHEVERS, *Clerk.*

Deposition of R. C. Hopkins.

United States District Court, northern district of California.

THE UNITED STATES
ads.
JUAN M. LUCO et al.

SAN FRANCISCO, CAL., *May 29th*, 1858.

On this day, before the district court of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came R. C. Hopkins, a witness produced on behalf of the United States in case No. 428, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 813 on the docket of the said board of commissioners, and was duly sworn and testified as follows:

Present, the district attorney and Mr. Benham, counsel for claimants.

Mr. Benham objects to the testimony.

I am clerk of the archives; I have brought from the archives, in compliance with the orders of the dist. att'y, those documents; they

are the documents in the accompanying list marked Exhibit O. H. N., and attached to this deposition. Documents produced.

Cross-examined.

I know nothing of the making out of the list; the dis't att'y selected these papers several days ago; I do not know by what criterion they were selected; I think they were selected in relation to the signatures of Pio Pico, and in reference to the seals; I really cannot say for what purpose; the dis't att'y selected them.

Deposition of W. B. McMintrie.

I am a draughtsman in the coast survey; my occupations make me familiar with the measurement of small differences and minute distances; I am obliged to reduce large drawings to small ones—drawings of surveys of land, and the hydrography of water.

The following documents are now shown witness:

1. Expediente No. 427, I. (Niofito), by Micheltorena. April 21, 1843.

2. Expediente No. 492, F. Javian. Gov. Pio Pico. Dec. 19, 1845.

3. Approval of assembly in present case.

4. Grant to Gregorio Briones, Feb. 11, 1846. Pio Pico.

5. Expediente No. 548, John Roland. Pio Pico. May 2d, 1846.

Ques. Look at the seals on those 5 documents, and state what is the legend?

Ans. Gobierno del dep'to de California.

Ques. Please examine those seals and state if there is any difference between them.

(Mr. Benham objects to the testimony as irrelevant.)

Ans. I think these seals are identical in all respects; all these impressions are, in my opinion, made by the same stamp or die.

(The stamp on the petition in the present case is shown witness.)

This impression is not made, in my opinion, by the same stamp as the others.

Ques. Please to point out the difference.

Ans. The blank space included within the lower edge of the apparent right wing of the eagle. The edge of the wreath and the tail of the eagle are different in shape—much longer in the first class than in the 2d; the space between the perpendicular portion of the snakes and junction of the breast of the eagle and its left wing is very much larger in the last than in the 1st class.

The head of the bird extends farther beyond *and* straight line tangent to the upper edges of the two wings in the last than the first class.

The left wing of the bird in the last impression extends to the left portion of the letter "B" in "Gobierno." In the others it strikes the middle of the lower portion of the "B." The form of

the "G" in "Gobierno," the upper curve extends over the lower in the last impression. In the others, it in the same perpendicular line, or (if anything) within it; the lower portion of the letter "B" in "Gobierno" in the last is formed like an "R."

The plumage of the wings in the last is made by finely horizontal lines, which is not the case with the latter.

The drawing of the wreaths is different; the spaces included within the branches are different in size and outline. The outline of the impression is more elliptical in the last than in the first. The last has very much the appearance of having been made by a stamp of soft metal; the others seem to be wood-cuts. On the upper edges of the wings in the first are two little marks intended to represent feathers. These are wanting in the last. The base of the triangular space bounded by the right wing of the eagle, the tail and the wreath, is much longer in the first than in the last. In the last impression the pedestal of the eagle is apparently horizontal, whereas in the others it is convex like a portion of a globe.

Have you any doubt on the point whether these last impressions could have been made by the same stamp as the others?

Ans. I have not the slightest. The stamps must have been different.

Note.—The witness in the foregoing examination uses the words right and left as they appear to the observer.

Ques. Please examine the paper on which the grant is written, and compare its texture and quality with those of the other documents submitted to you, and state what are your means of judging.

(All the documents brought into court by Mr. Hopkins, and mentioned in Exh. No. 3, are shown to witness.)

Ans. I have been 10 years as draughtsman in the coast survey, and have had occasion to observe the texture and quality of paper. The paper on which the grant is written seems to me rather more "cottony" than the others. It is merely an opinion; I am not positive.

Ques. Has it the same water-marks with the paper in espedientes Nos. 486, 487, 488, and 489?

Ans. I see no water-marks on these papers similar to that on the grant in this case.

Ques. By whom and at what time was your attention first called to these matters?

Ans. By the district attorney some 10 or 12 days ago. I was asked to compare the seal on the grant, and the grant itself in this case, with seals and the paper in some four or five other cases; which those were I cannot state.

Cross-examined.

With reference to the quality and texture, I examined all the documents mentioned in the list and produced in court. With

reference to the water-marks, I confined my comparison to the 4 documents to which I have referred in my previous answer on that point.

Ques. Do you find the paper in the other documents identical?

Ans. I find paper of various textures; I also find various water-marks in these documents mentioned in the last marked O. H. No. 1.

WM. B. McMINTRIE.

Taken and subscribed in open court this 29th May, 1858, before me.

OGDEN HOFFMAN, *Dist. Judge.*

Deposition of Robert H. Vance.

I am a photographist, and reside in this town; have been in the business since 1845. I have prepared, at the request of the district attorney, photographs of various Mexican documents.

(The original documents in this case are shown to witness.)

I prepared a photograph of these documents. They are perfect photographic copies of those documents.

(Photographic copies produced attached to deposition, and marked "Exhibit O. H. No. 2.)

I also prepared, by request of the district attorney, photographic copies of certain impressions of seals.

(The 5 original impressions of the seals mentioned in the list in Exhibit O. H. No. 3 are shown witness. He identifies them as those from which he prepared the photographic copies contained in said last mentioned exhibit attached to his deposition.)

I also prepared photographic copies of certain signatures of Pio Pico.

(The original signatures are shown witness, and he identifies them as those from which he prepared copies. The original documents from which the said copies were prepared are admitted to be those mentioned in the printed notes on the margin of the Exhibit O. H. No. 4.)

It is agreed that duplicates of Exhibits Nos. 2, 3, and 4 shall be furnished, in order that they may be attached to the transcript in this case in the event of an appeal to the Supreme Court.

ROB'T H. VANCE.

Sworn to and subscribed before me this 29th May, A. D. 1858.

OGDEN HOFFMAN, *Dist. Judge.*

O. H. No. 1, *attached to Deposition of R. C. Hopkins.*

U. S. ATTORNEY'S OFFICE,
San Francisco, May 29, 1858.

THE UNITED STATES
vs.
J. M. Luco et al. } U. S. District Court.

SIR: You are respectfully desired to produce before the U. S. dist. court, on this 29th day of May, 1858, the following original papers, being part of the archives in your custody as U. S. surveyor general:

1st. Original papers in J. M. Luco et al. vs. The U. S.
2d. Espediente No. 482—M. Sais.
3d. Espediente No. 483—B. Bojorque.
4th. Espediente No. 484—J. N. Padilla.
5th. Espediente No. 485.
6th. Espediente No. 486—Serafin de Jesus.
7th. Grant in No. 487—Stephen Smith.
8th. Espediente No. 488—M. Tones.
9th. Espediente No. 489—Juan Bandini.
10th. Espediente No. 490—G. Malindris.
11th. Espediente No. 491—Juan Foster.
12th. Espediente No. 492—F. Javier.
13th. Espediente No. 427—Samuel (Neofito.)
14th. Espediente No. 548—John Rolando.
15th. Grant in —Gregorio Briones.
16th. Espediente No. 493—Pio Pico.

Respectfully, your ob't serv't.

P. DELLA TORRE,
U. S. Att'y.

Hon. J. W. MANDERVILLE,
U. S. Surveyor Gen'l for Cal.

Endorsed: Filed May 29, 1858.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

[*Here follow photographs marked Exhibits O. H. No. 2, O. H. No. 3, and O. H. No. 4, referred to in deposition of R. H. Vance.*]

Exhibit O. H. No. 3, attached to Deposition of R. H. Vance.

Photographs of seals taken from espedientes in the Mexican archives and from the alleged originals in this case, as explained by the following table:

No. 1. Espediente No. 427—Samuel (Neofito,) Gov. Manuel Micheltorena, April 21, 1843.

No. 2. Espediente No. 492—F. Javier, Gov. Pio Pico, December 19, 1845.

No. 3. Alleged grant in this case to José de la Rosa—Gov. Pio Pico, December 4, 1845.

No. 4. Alleged approval of departmental assembly to grant in this case—December 18, 1845.

No. 5. Grant—Gregorio Briones, Pio Pico, February 11, 1846, being document marked "Exhibit No. 1, H. H.," annexed to the

deposition of William A. Richardson, and filed in case No. 541 before the land commission on the first of February, 1853, and which is referred to in the deposition of José M. Covarrubias before the land commission in the present case, upon the 24th cross-interrogatory and his answer thereto.

No. 6. Espediente No. —Jno. Roland, Pio Pico, May 2, '46.

[*Here follows Photograph, page* 840.]

Exhibit O. H. No. 4, *attached to Deposition of Mr. Vance.*

Photographs of signatures of Governor Pio Pico, on or about the 4th day of December, 1845, taken, with one exception, from espedientes, and grants for which espedientes exist, in the Mexican archives in the office of the United States surveyor general, in San Francisco. The exception is the signature to the alleged grant to José de la Rosa, for the land claimed in this case by Juan M. and José L. Luco, assignees of said de la Rosa.

The signatures are taken from the espedientes, numbered from 482 to 492 inclusive, of the regularly numbered espedientes; the dates are opposite the respective signatures.

[*Here follow Photographs, page* 840.]

Certified Copy of Grants issued in 1844 *and* 1845.

Grants of lands which, according to the numerical order of the original espedientes in the custody of the United States Surveyor General, appear to have been issued by the Governor of California during the years 1844 and 1845.

No. of Esped'te.	Names of Grantees.	Date.
160	Francisco Cota.....(Addition.)	1845
196	Blas (Indian).....	"
266	Francisco Solano.....	"
280	Juan Vioget.....	"
308	Estevan Smit.....	1844
328	Joaquin Sheldon.....	"
329	Anastasio Chaboya.....	"
340	Guillermo Gulnack.....	"
341	Mariano and Pedro Fernandez.....	"
342	Mauricio Gonzales.....	"
343	Rafael Cacho.....	"
344	Guillermo Welch.....	"
345	Luis Peralta.....	"
346	Timoteo Murphy.....	"
347	Sebastian Nunez.....	"
348	Juan Ursua.....	"

Certified Copy of Grants—Continued.

No. of Esped'te.	Names of Grantees.	Date.
349	Carlos Guillermo Flugge	1844
351	Tomas Cole	"
352	Juan B. Alvarado	"
353	Diego Forbes	"
354	Roberto	"
355	Octaviano Gutierrez	"
356	Agricio (Indigena)	"
357	Nicolas Dodero	"
358	Tomas Pacheco and Agustin Avisu	"
359	Eduardo A. Farwell	"
360	Fran'co and Ramon Haro	"
361	Domingo Feliz	"
362	Joaquin Carrillo	"
363	Eugenio Montenegro	"
364	Agustin Narvaez	"
365	Ramon Mesa	"
366	Macsimo Martinez	"
367	José Amesti	"
368	The Reverend Rector et al. for Servar'y	"
369	F'co Anas y S. Cariaga	"
372	Pedro Cordero	"
373	Miguel Marquez	"
375	Pedro Narvaez	"
376	Francisco Arce	"
377	Damaso Rodriquez	"
378	Binano (Indigena)	"
380	José Ma. Aguilar	"
381	Tomas Blanco	"
382	Ygn'o Machado	"
383	Tomas Roberto Ridley	"
385	Romano Sanchez	"
386	Casilda Soto	"
387	Juan Bidwell	"
388	Anto. Balenzuela and Juan Alvisu	"
389	Guillermo A. Liedesdorff	"
390	Vicente Moraga	"
391	José Joaquin Ortega	"
392	Guillermo Dickey	"
393	José Anto. Serrano, Blas Aguilar, et al	"
394	Ygnacio Machado.....(Order to revalidate title.)	"
395	Raymundo Carrillo	"

Certified Copy of Grants—Continued.

No. of Esped'te.	Names of Grantees.	Date.
396	Anto. Ma. Osio	1844
397	Juan Miranda	"
398	Feliz Valdez	"
399	José B. Chiles	"
400	Joseph B. Chiles	"
401	Pedro Sansevain	"
402	José Ma. Abrego	"
403	Eliab Grimes	"
404	R. H. Thomas	"
405	A. G. Thomas	"
406	Mariano Barilla	"
407	Juan Warner.	"
408	Fernando Feliz	"
409	Agustin Yansens	"
410	Luis Arenas	"
411	H. D. Fitch	"
412	Josefa Soto	"
413	Man'l Jimeno	"
414	Fran'co Dye	"
415	Josias Belden	"
416	J. P. Dedmont	"
417	Larkin's children	"
418	Guillermo Chana	"
419	Guillermo Hartnell	"
420	Pablo de la Guerra	"
421	Jacinto Rodriquez	"
422	Smgo (Indian)	"
425	Julian Maurique	"
428	D. Dominguez	"
430	J. P. Leese	"
432	Juan Castañeda	"
434	Ramon Valencia	1845
435	Miguel Blanco	"
436	P. H. Reed	"
437	Agustin Olivera	"
438	Juan Forster	"
439	Man'l Antonio	"
440	Tomas Gutierrez	"
441	Hilaria Sanchez	"
442	Ma. Anto. Dominguez	"
443	Man'l Sales	"

Certified Copy of Grants—Continued.

No. of Esped'te.	Names of Grantees.	Date.
444	Teodoro Romero et al	1845
445	Emigdio Bejar	"
446	Felipe	"
447	Carlos Barié	"
448	Pablo Apis	"
449	Maria Juana	"
450	Marcos Pico	"
451	Maria Villa	"
452	Cayetano Juares	"
453	Enrique Dalton	"
454	Bacilia Bernal	"
455	Pedro Estrada	"
456	Felipe	"
457	Antonio Chaves	"
458	Fernando Roman	"
459	Andres y José Manuel	"
460	Juan de Jesus et al	"
461	Urbano et al	"
462	George Rock	"
463	Juan Ma. Osima	"
464	Agustin Olvera	"
466	Luis Maria	"
467	Ma. Anta. Estudillo	"
468	José Ma. Oroseo	"
469	José Dominguez	"
470	Scott & Wilson	"
471	Josefa Carillo de Fitch	"
472	Sebastian Kayser	"
473	Juan Bidwell	"
474	Scott & Wilson	"
475	Anastasio Carrillo	"
476	Man'l Dolevera	"
477	Pablo y José Apis	"
478	O. Gutierrez	"
479	Agustin Davila	"
480	Elesario y Pastor	"
481	Joaquin y José Anto. Carrillo	"
482	Maximo Saiz	"
483	B. Bojorguez	"
484	N. Padilla	"
485	Narciso Bennett	"

Certified Copy of Grants—Continued.

No. of Eeped'te.	Names of Grantees.	Date.
486	Serafin de Jesus	1845
487	Esteran Smith	"
488	Man'l Torres	"
489	Juan Bandini	"
490	G. Melendez	"
491	Juan Forster	"
492	Fran'co Javier Gasleturn	"
493	Pio Pico	"
494	José de Jesus Noé	"
539	Santiago Unsta	"
540	Sominario de N'ra S'ra de Guadalupe	"
542	Ramon Malo	"
544	Roland & Workman	"
553	Fernando Pico	"

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office and in my custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that having caused diligent search and examination to be made in said Spanish archives, the above grants appear to have been issued or ordered to be issued by the Mexican government of California during the years 1844 and 1845.

Given under my hand and official seal, at the city of San Fran-
[SEAL.] cisco, this 12th day of January, A. D. 1857.

JNO. C. HAYS,
U. S. Sur. Gen'l, Cal'a.

Endorsed: Filed June 19th, 1858.

W. H. CHEVERS, *Clerk.*

Suspension of ordinary sessions for the balance of the year.—Exhibit to the Deposition of Rufus C. Hopkins.

(263.)

Se le dio lectura al dictamen presentando por la comision especial que fue nombrado é consecuencia de la proposicion que presento el S'or Figueroa y a virtud de tener dispensadas las tramites de reglamento desde las sesion prosima por acuerdo de las asamblea, se puso a discusion en lo general, y dispues de una larga que le suscito en la que hablaran unos en pro y otros en contra.

(364.)

Declarada estar suficientemente describdo há lugar a votar y fue aprobado por los Señores Botello, Carrillo y Noriega.

Hecha le elecion de senadores, que debe verificarse el dia 1o de Octubre venidero, é instalado el tribunal superior de justicia de este departamento se excede permiso a los Señores diputados que tienen sus residencia fuera de esta ciudad, para que se retiren por el resto del presente año a atender sus negocios particulares, suspendiendo entre tanto sus sesiones ordinarias.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, J. W. Mandeville, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, as also the papers of the late board of commissioners "to ascertain and settle private land claims in California, by virtue of the power vested in me by law, do hereby certify that the two (2) preceding and hereunto annexed pages of tracing paper, numbered from one to two inclusive, exhibit a true and accurate copy of extracts from pages 263 and 264 of legislative records," vol. IV, 1841, 1846, containing the proceedings of the departmental assembly, on the 29th day of August, A. D. 1845, on file among said archives.

In testimony whereof, I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of [SEAL.] San Francisco, this 31st day of May, A. D. 1858.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Extract from the 2d section of the act of Congress providing for the survey of public lands in California, and for other purposes, (approved March 3d, 1855.)

The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general, (California,) and any copy or extract from the plats, field-notes, and other records and documents on file in his office, when attested as such by the said seal and the signature of the surveyor general, shall in all judicial matters have the same force and effect as the original.

Extract from an act of the legislature of the State of California concerning certified copies of certain instruments in writing, (approved April 29th, 1857.)

Sec. 1. Copies of all papers lately belonging to the United States board of commissioners for the settlement of private land claims in California, and on file in the office of the surveyor general of the United States for the State of California, and all copies of documents and papers belonging to said surveyor's office, which

copies shall have been duly certified to be true copies by said surveyor, shall be received and read in evidence, in the same manner and with like effect as the originals.

Endorsed: Filed June 22d, 1858.

W. H. CHEVERS, *Clerk.*

Translation of Exhibit to the Deposition of Rufus C. Hopkins.

(Page 263.) (Page 264.) The opinion presented by the special committee which was appointed in regard to the motion offered by Mr. Figueroa was read, and by reason of having dispensed with the formal rules since the last session, by consent of the assembly a general discussion was had, and, after a long debate, in which several persons engaged, some in favor and others against, the discussion was declared closed, and a vote was taken, and it was approved by the members Botello, Carrillo, and Noriega.

After the election of senators, to be held the 1st day of October next, and the installation of the superior tribunal of justice for this department, permission is granted to the deputies who reside out of this city to be absent the remainder of the present year to attend to their private affairs, suspending, in the interim, its ordinary sessions.

Endorsed: Filed June 22d, 1858.

W. H. CHEVERS, *Clerk.*

Report of the Committee, August 29th, 1845, stating that the assembly could not adjourn, seeing that it was the deliberative body of the governor, and had always to be in session.—Exhibit to the Deposition of Rufus C. Hopkins.

E. S.

Pido qe. la E. asamblea sierre sus sesiones el dia ultimo del corr'te Agosto, conforme al arto. 2o del reglam'to qe. tiene adoptado.

Angeles, Agosto 27 de 1845. FRAN'CO FIGUEROA.
(Rubric.)

Aprobado. Ex'mo S'or: La comision especial nombrado pa. haber dictamen con respecto a la proposicion del s'or deputado Dn. Fran'co Figueroa, ha visto y examinado con toda la atencion posible la citada proposicion, y a pesar de sus grandes esfuerzos, no ha podido encontrar medio alguno legal sobre qe. apoyarlo, pr. qe. pr. mie parte; el reglamento qe. cita del S'or Figueroa debe entendiese adoptado provicionalm'e pr. esta asamblea pa. su gobierno interior, en todo aquello qe. no se oponga al actual sistema; por otra, á primera vista se encuentra que d'ha proposicion pugna con las bases organicas qe. nos rigen las qe. en ninguna de sus partes comeden facultad a las asambleas departamentales pa. disolveria, pues asi como las mismas bases en su art. 47, concede el al congreso general, podran hacerlo con las asam-

bleas si les fuera permitido; por otra parte la facultad 16 art. 134 de las repetidos cases dice, "consultar al gobernados en todos los asuntos qe. este lo exija, y tambien en los qe. debo hacerlo conformera a estas bases ya las leyes." Esto en concepto de la comision, es la razon mas poderosa qe. en cuentra pa. qe. las asambleas no puedan disolvase, por que siendo estos cuerpos consultivos, deben permaneser siempre reunidos como qe. son el consejo del gobo. de su respectivo departamento; en tal virtud, la comision, como deceosa de costar formentos resultados, es de sentir qe. esta honorable corporacion no debe decretar su disolucion tanto por las razones dichas, cuanto pr. las atenciones de importancia que aun tiene pendientes, como so la eleccion de senadores qe. debe verificar el 1o de Octubre de este año, y la instalacion del sup'or tribunal de justicia, cuyo juramento debe recibir esta H. asamblea; pero teniendo presente la comision los grandes perjuicios qe. resultan á los s'res diputados qe. componen este cuerpo, principalm'te a los qe. son de fuera de esta capital, pr. no poder atender a sus trabajos y sin una seguridad pr. ahora, de reparar sus herdidas a causa de no ser pagados sus respectivos sueldos pr. la escasez erario, pone a la deliveracion de V. E. la seguiente proposicion.

Hecha la elecion de senadores, qe. debe verificarer el dia 1o de Octubre venidero, é instalado el tribunal sup'r de justicia de este departamento, se concede permiso a los s'res diputados qe. tienen su residencia fuera de este cuidad, pa. qe. se retiren pr. el resto del presente año, a atender sus negosios particulares, suspendiendo entre tanto sus sesiones ordinarios.

Sala de comisiones, Angeles, Agosto 29, de 1845.

NARCISO BOTELLO,
FRANCISCO DE LA GUERRA.

OFFICE OF THE SURVEYOR GENERAL OF THE
UNITED STATES FOR CALIFORNIA.

I, J. W. Mandeville, surveyor general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, as also the papers of the late board of commissioners "to ascertain and settle private land claims in California," by virtue of the power vested in me by law, do hereby certify that the (4) four preceding and hereunto annexed pages of tracing paper, numbered from one to four inclusive, exhibit a true and accurate copy of pages numbered 477, 478, 479, 480 of legislative records, vol IV, as the same appears on file in my office.

In testimony whereof, I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San Francisco, this 21st day of May, A. D. 1858. [SEAL.]

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Extract from the 2d section of the act of Congress "providing for the survey of public lands in California, and for other purposes," (approved March 3d, 1855.)

The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general, (California,) and any copy or extract from the plats, field-notes, and other records and documents on file in his office, when attested as such by the said seal and the signature of the surveyor general, shall, in all judicial matters, have the same force and effect as the original.

Extract from an act of the legislature of the State of California, "concerning certified copies of certain instruments in writing," (approved April 29th, 1857.)

SEC. 1. Copies of all papers lately belonging to the United States board of commissioners for the settlement of private land claims in California, and on file in the office of the surveyor general of the United States for the State of California, and all copies of documents and papers belonging to said surveyor's office, which copies shall have been duly certified to be true copies by said surveyor, shall be received and read in evidence in the same manner and with like effect as the originals.

Endorsed: Filed June 22d, 1858.

W. H. CHEVERS,
Clerk.

Translation of Exhibit to the Deposition of Rufus C. Hopkins, being a motion of Francino in the Departmental Assembly, August 27, 1845, *and the Report of the Committee to which the motion was referred, August* 29, 1845.

E. S. (Page 1st.)

I request that the excellent assembly may close its sessions on the last day of this present month of August, agreeably to the second article of the rule which has been adopted.

Angeles, August 27th, 1845.

(Signed) FRANCISCO FIGUEROA.

(Page 2d.)

MOST EXCELLENT SIR: The special committee appointed to give [approved] an official opinion on the motion of the deputy, Don Francisco Figueroa, have read and examined with the utmost attention the said motion, and notwithstanding their great efforts they have not been able to find any legal precedent on which they could rest their opinion, because on the one part the rule quoted by Mr. Figueroa should be understood as adopted provisionally by this assembly for its internal government, in so far as it may not conflict with the existing system; and on the other part, at the first view, it appears that the said motion conflicts with the basis

of the organic law which governs us, and which confers no power in any of its parts on the departmental assemblies to dissolve themselves, for inasmuch as the said bases in article 47 did confer this discretionary power on the general congress, they could also have conferred it on the assemblies if it were to be permitted them; and again, the powers enumerated in section 16th of article 134 of the repeated bases read thus: "To consult with the governor on all subjects on which he may require a conference, and also those subjects which require a conference, in conformity with these bases and the laws."

This, in the opinion of the committee, is the most powerful reason to be found why the assemblies cannot dissolve themselves; for, they being consultative bodies, ought to be always in session, as they are the counsel of the government in their respective department; in accordance with which this committee, desirous to ward off disastrous consequences, is of the opinion that this honorable body ought not to decree its dissolution, as much for the reasons above stated as for the matters of importance which are still pending, to wit, the election of senators to be held on the 1st of October of the present year, and the installation of the superior tribunal of justice, whose oaths must be taken before this honorable assembly.

But this committee, having in view the great injury resulting to the deputies who compose this body, especially to those who reside out of this capital, on account of not being able to attend to their affairs, and without any present assurance of indemnity for their losses by not being paid their respective salaries, by reason of the scarcity of money in the public treasury, proposes for the consideration of your excellency the following proposition:

After the election of senators, to be held on the 1st of October next, and the installation of the superior tribunal of justice for this department, permission is granted to the deputies who reside out of this city to be absent for the remainder of the present year, to attend to their private affairs, suspending in the interim its ordinary sessions.

Committee-rooms, Angeles, August 29th, 1845.

(Signed) NARCISO BOTELLO.
(Signed) FRANCO. DE LA GUERRA.

Endorsed: Filed June 22d, 1858.

W. H. CHEVERS,
Clerk.

Motion and Order to suppress Depo. of Horace Hawes.

JUAN M. LUCO et al.
vs.
THE UNITED STATES.

And now, at this day, come the claimants, by their counsel,

Calhoun Benham, and move the court that the deposition of Horace Hawes, on file in the above entitled cause, be suppressed before proceeding to trial therein.

CALHOUN BENHAM,
For Claimant.

Whereas the above written motion was made before proceeding to trial in the above entitled cause, and whereas the record does not disclose the fact that it was so made, it is ordered by the court that the same be now filed nunc pro tunc, as of the time when the same was made.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed June 22d, 1858, for June 12th, 1857, nunc pro tunc.

W. H. CHEVERS,
Clerk.

Decree.

At a stated term of the district court of the United States of America, for the northern district of California, held at the court-room, in the city of San Francisco, on Tuesday the 22d day of June, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES ads. JUAN M. LUCO et al. } D. C. 428—L. C. 813.

This cause came on to be heard on appeal from the final decision of the board of commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved March 3d, 1851, upon the transcript of the proceedings and decision of the said board of commissioners, and the papers and evidence on which the said decision was founded; and upon the further evidence taken in this court by order of the court, and it appearing to the court that the said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is by the court hereby ordered, adjudged, and decreed that the said decision be and the same hereby is in all things affirmed; that the claim of the appellees herein is invalid, and that the same be and hereby is rejected.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed June 26th, 1858.

W. H. CHEVERS,
Clerk.

Motion to open Decree.

United States District Court for the northern district of California.

JUAN M. LUCO et als., Appellants, vs. THE UNITED STATES, Appellees. } U. S. L. Com., No. 813—U. S. Dist. Court, No. 428.

And now, at this day, come the appellants in the above entitled cause, by their counsel, Calhoun Benham, and move the court here that the decree heretofore rendered on appeal rejecting the claim to Ulpines be opened and set aside in order that further preparation and proofs may be made in said cause, and also that a rehearing be granted therein.

And the said appellants, by their counsel aforesaid, state as reasons for their motion in this behalf that the decree aforesaid is not warranted by the evidence, but that, on the contrary, it is against it; that the appellants desire the opportunity to offer and propose to offer to the court here (as they are advised they are entitled to do) the testimony of John Brinkerhoff, John H. Berry, D. K. Berry, Robert Allison, and by whom they expect to prove that José de la Rosa, the original grantee of Ulpines, did have possession of the same, and did cultivate and improve and use the same under and during the regime of the Mexican authorities, as was contended on the trial that he did.

Also the testimony of Jesus M. Baca, José M. Amador, José A. Flores, Joseph Pelissier, José Noriega, and others, by whom they expect to prove that the said Rosa occupied the said Ulpines before the cession of California, under color and claim of title.

Also the testimony of Ramon Mesa, Rafael Anrobia, and such others, if any as may be found, by whom they expect to prove conclusively and with certainty that Rafael Guirado was guilty of fraud and perjury in the testimony given by him in the above entitled cause, as it was contended on the trial thereof that the proofs showed.

And for a further reason why their motion for allowing further preparation and proof in said cause should be granted, the said appellants say that the affidavits of the affiants herein named indicate that the decree has been obtained by fraud, suppression of the truth, suggestion of what was false, destruction and obliteration of physical testimony, any or all of these causes, which may, and most probably will be discovered, and proved to the satisfaction of the court here.

CALHOUN BENHAM,
Of Counsel for Claimant.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS,
Clerk.

Affidavit of Juan M. Luco.

U. S. District Court, nor. district of California.

JUAN M. LUCO et als.
vs.
THE UNITED STATES.

Juan M. Luco, one of the claimants in the above entitled cause, being duly sworn, deposes and says, that before the rendering of the decree in this cause he made strenuous efforts and exercised great diligence in searching for and procuring testimony therein. He further says that he did not know of the existence of the testimony of the following named witnesses whose affidavits are herewith filed before the rendering of said decree, but has learned the same since that time, viz: John Brinkerhoff, Rafael Anrobia, Jos. Pelissier, J. M. Amador, Ramon Mesa, John H. Berry, D. K. Berry, and Rob't Allison.

JUAN M. LUCO.

Sworn to and subscribed before me this 14th day of Sept., A. D. 1858.

W. H. CHEVERS,
U. S. Comm'r.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS,
Clerk.

Affidavit of J. M. Luco.

U. S. Dist. Court, nor. dist. of California.

JUAN M. LUCO et als., Appellants,
vs.
THE UNITED STATES, Appellees.

Juan M. Luco, one of the appellants in the above entitled cause, being duly sworn according to law, states that during the pendency of the said cause before the land commission and the United States district court for the northern district of California, and prior to the decree in said court, he made strenuous efforts, and was industrious and diligent in searching out and discovering all facts which could have any material bearing upon the questions involved, or which might be involved, in said cause, and which might affect the decree therein, and in procuring witnesses and testimony to establish all such facts; but that he never knew of the existence of the facts disclosed by the affidavits of John Brinkerhoff, John H. Berry, and D. K. Berry, and which can be further established by one Doctor S. K. Nurse, and that the non-discovery of said facts disclosed as aforesaid was not through any laches or negligence on the part of the appellants in said cause; that he believes the know-

ledge of the said facts never transpired until after the claim preferred by him and his brother to Ulpines was decreed invalid and rejected.

JUAN M. LUCO.

Sworn to and subscribed Oct. 8th, 1858, before me.

W. H. CHEVERS,
U. S. Comm'r.

Endorsed: Filed Oct. 8th, 1858.

W. H. CHEVERS,
Clerk.

Affidavit of John Brinckerhoff.

STATE OF CALIFORNIA,
County of Solano, ss.

John Brinckerhoff, being duly sworn, deposes and says, that he is a resident of the said county of Solano; that he has resided in said county since the year 1852; that he knows the general boundaries of a large tract of land in said county claimed by Juan M. Luco under a Mexican grant, which said tract of land or rancho is commonly known as the "Ulpines grant."

That, ever since he has lived in said county, he has lived on a part of the said tract of land so claimed by said Luco as a settler, and claiming the same as public land belonging to the United States government, and adverse to the said claim of said Luco; that there are a great number of persons living on said tract of land, claiming the same as settlers or pre-emptioners, under the United States government, with whom he has very often conversed in relation to the claim and the rights of the said Luco thereto.

That, amongst other persons residing on said tract of land, he has frequently conversed with one Stephen K. Nurse, who lives near the head of a creek or slough which makes out of Suisun bay, and extending therefrom in a northerly direction, and passing near the east end of the Portrero hills, about 7 or 8 miles easterly from Suisun city.

He further says, that he knows one Daniel K. Berry, who now resides in said county of Solano, and for three or four years did live on said tract of land so claimed by said Luco, from about the year 1853 to the year 1857; that the said Berry, while he lived on said land, claimed the same under the United States government, as he is informed and believes; that his residence thereon was near to the residence and place of business of the said Nurse, to wit, near the head of a creek or slough above described.

That some time during the fall of the year 1856, he had a conversation with the said S. K. Nurse in regard to the claim of said Luco to the said land, at the store of said Nurse, and the said

Nurse told the deponent that the remains of an old adobe house had been found on the lands claimed by Luco, some place in the neighborhood of the residence of said Berry and said Nurse's store. He told deponent that, some time prior to that time, the said D. K. Berry came to his store—that is, Nurses's store—with a piece of an old adobe in his hand, and asked him, Nurse, if any one was about the store; that Nurse said he told him no; then Berry said that he had something to tell him; that Berry told him, Nurse, that he had found Luco's old adobe house, and that something must be done about it; that he, Nurse, went to the place with Berry, at Berry's request, and he saw plainly the remains of an old adobe house; that the foundation was plainly to be seen; that in some places the walls were still standing, eighteen inches above the ground.

The deponent further says, that the said Nurse told him at the same time and place, that he, the said Nurse, together with the said Berry, hauled the old adobes away from the place where they were, and threw them in a hole of water, where they could not be seen; that they picked the darkest night that they could find to take them away, so that they might not be seen doing it; I think said Nurse told me that they found an old knife and a spoon inside of the walls when they were removing the old walls and rubbish; that they cleared all the remains of the house away, so that the place could not be seen, or so that it could not be told that a house had ever stood there.

Said deponent further says, that he never spoke to any person whatever about the conversation above related between himself and said Nurse, except his, deponent's, brother, until to-day; that he never spoke to Mr. Luco about said conversation until this day, when Mr. Luco came to him, and commenced talking to him about the matter; I then told Mr. Luco the substance of what is here set forth. And further deponent saith not.

JOHN BRINCKERHOFF.

Subscribed and sworn to before me this 23d day of August, A. D. 1858.

JOHN DOUGHTY,
Justice of the Peace.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS, *Clerk.*

Affidavit of Dan'l K. Berry.

STATE OF CALIFORNIA,
County of Solano, ss.

Daniel K. Berry being duly sworn, deposes and says, that he is a resident of the said county of Solano, and that he has resided in said county since the first part of the year 1847; that he came to

the State of California in the year 1846, and that he is now thirty-four years of age. He further says, that he is acquainted with the general boundaries of a larger tract of land in the said county of Solano, claimed by one Juan M. Luco and others, under and by virtue of a Mexican grant, called the "Rancho Ulpines" grant; that, in the summer of the year 1847, he settled, or went to live, on the "Elchamaca rancho," situate in the eastern part of the county of Solano, on the Sacramento river, adjoining to, and southeast of, the said Ulpines grant or Luco claim, as it is commonly called; that in the year 1848 he went from or removed from Elchamaca to Suisun valley, and lived in Suisun valley, in the said county of Solano, until the year 1854; he then settled on the said Ulpines rancho, near to the place now called Nurse's landing, situate at or near the head of a creek or slough making out from Suisun bay, and passing east of the Portrero hills; that he lived at the said place, near the head of said creek, until the year 1857, when he again removed to Suisun valley, where he now lives; that while he lived at or near Nurse's landing, on the said tract of land claimed by said Luco, he claimed the said land under the pre-emption laws of the United States, and held the same as public lands, and adverse to the claim of Luco.

The said deponent further says, that during the time he lived on the Elchamaca rancho, in the year 1847, he frequently passed from the Elchamaca ranch through the said lands claimed by Luco to Suisun valley; that some time in the latter part of the year 1847, or the first part of the year 1848, while passing near to the place where Dr. S. K. Nurse now lives, or Nurse's landing, as the place is called, about 8 miles east of Suisun city, he noticed a trail passing down the creek, on the east side of the creek, which attracted his attention; that he followed the said trail down the creek, in a southerly direction, for about ¾ of a mile, where he found the ruins of an old house, plainly to be seen; the walls were then about two feet high on an average; some places a little higher, and some places not so high; I could plainly see the whole shape of the walls where a house had stood; the foundation of the house was about 26 or 30 feet square, and on one side of the main house, and adjoining thereto, there was another wall, or foundation of a house, about 10 or 12 feet wide. From the appearance of the place, he says he is confident that a larger house once stood there, and that the same had been burnt down; that there was at that time a great many cinders and other rubbish about the place and inside of the walls. The said deponent says he could not say of what material the house had been built; that the walls or foundation seemed to him to be composed principally of mud or dirt; the walls then appeared to him to have been exposed to great heat; the mud or dirt composing the walls looked like it had been put into a furnace and burnt,

which he supposed had been caused by the burning of the house, from the quantity of cinders around the place. He further says, that he saw there such unmistakable evidences to convince him that the place had once been inhabited by man, that he could distinctly see, near to the ruins of the old house, where there had been a corral; he saw the posts that had been burnt down or broken off nearly even with the ground, and could distinguish the whole shape of the corral; that he could see the traces of an enclosure which seemed to have enclosed at least 10 or 15 acres of ground on the east side of the creek near the house, and that he has frequently since been at the same place where the grass had been burnt off, and could plainly see that the land inside of said enclosed piece had been ploughed; he could see the marks of the plough, and the ground seemed to have been cultivated. He has also seen some stakes and small pieces of timber about there; he once found an old sword near the place, and a butcher's knife among the rubbish inside of the old walls, with the handle burnt off.

He further says, that he has often been to the same place since; he was at the place once with one Tolbert Carter, in the year 1848, who left California about the year 1850, and now resides in the State of Missouri, as he is informed; that he has been there frequently with his brother John H. Berry, who has seen the said ruins often; that after he went out to hire on the said land claimed by the said Luco, as aforesaid, in the fall of the year 1854, he heard that the said Luco claimed the land under a Mexican grant, and that he, Luco, expected to prove that a house had once been built on said land; he and his brother John immediately went to the place where the said ruins were situate, and carried off all the rubbish they could conveniently pick up about the place, and threw the same into the slough; they worked at carrying off the rubbish three or four nights until they thought that it could not be readily discovered. The deponent further says, that he was considerably alarmed lest Luco should find the place, and in order that he might more effectually obliterate all traces of the said ruins, he thought he would consult Dr. Stephen K. Nurse, who lived in a few hundred yards of his house, and was a settler on the said lands, claiming under the government; that he took with him some of the cinders picked up by him at the ruins aforesaid, and went to said Nurse's store, which was close by his, deponent's, house, and told said Nurse that he had found the ruins of Luco's old house, and asked him what must be done; he, Nurse, went with me to the place one dark night, together with my brother John H. Berry, and we all worked several hours carrying what cinders and rubbish that was then left on the ground, and threw the same in the creek, until we thought no person would be likely to discover the place where the house has stood.

The deponent further says, that he has never told many per-

sons about ever having seen the said ruins, and that he has kept his knowledge about the same entirely secret since he heard of Luco's claim to the land, except to his brother John and the said Nurse, until a very few days since, and not until he had known that one Brinckerhoff had made an affidavit that the said Nurse had told him that I knew something about the matter, and that I never spoke or even intimated to said Luco that I knew anything about the matter until yesterday, when I was convinced that he knew that I knew something about the matter; I then told him the substance of this affidavit.

This deponent further says, that he has used his best exertion to prevent the confirmation of Luco's claim to said land before the land commission and the U. S. district court, and that he has taken much interest to prevent its confirmation; that he has seen and read what purported to be a copy of the evidence of one Ortega, and that the description that the said witness gave a very good description in his evidence of the place where he saw the old ruins aforesaid, so much so that he, deponent, felt confident that the said witness had been at the place; and further deponent saith not.

DANIEL K. BERRY.

Subscribed and sworn to before me, this 2d day of September, A. D. 1858.

JNO. DOUGHTY,
Justice of the Peace within and for Suisun Township, County of Solano.

Endorsed: Filed October 8th, 1858.
W. H. CHEVERS, *Clerk.*

Affidavit of Jno. H. Berry.

STATE OF CALIFORNIA,
County of Solano, ss.

This affiant, John H. Berry, being duly sworn, deposes and says, that he has lived in the said county of Solano since the year 1847; that he is well acquainted with part of the land claimed by Juan M. Luco, (under a Mexican grant,) called the Ulpines rancho, situate in said county; that in the year 1852 or 1853 his father, Daniel M. Berry, located a tract of land containing 480 acres as government land, under and by virtue of what is commonly called California school land warrants, which said tract of 480 acres so located by his father is on part of the land claimed by said Luco, under said grant, and is situated about one half or three quarters of a mile below the head of a creek or slough running nearly south into Suisun bay or the tule, passing near to and east of the Portrero hills, and the land is on the east side of said creek, and about a half mile below Nurse's store, and about 8 miles east of Suisun city.

The deponent further says, that in the year 1853 he built a small house on said tract of 480 acres of land, and went there to live, and did live there for more than a year; that while he lived on said tract of land some time during the year 1853 he found a place where he believes, and in fact is firmly convinced, that an old house had stood there, and that the land about the house had been enclosed and cultivated, which place is situate on said creek, about ¾ of a mile south of and below Nurse's store, or Nurse's landing, as it is sometimes called, now called "Denverton."

That he could see distinctly marked out on the ground a place 25 or 30 feet square, where he then supposed and now believes a house had once stood. Where as he supposes the house had stood the ground was elevated around the walls 18 inches or two feet, which elevated portions were composed of a mass of cinders and burnt clay or mud, and at intervals along the said wall or elevations there had been posts set. I could see holes and some burnt posts or stakes in the supposed walls of the house or elevations, the walls or elevations showing the form and proportions of the house. That on one side of what he supposes was the main building there seems to have been an addition 10 or 12 feet wide, and a partition wall through the main building, showing the shape of two rooms. From what I then saw, and have often seen since, I am firmly convinced that a house had once been there, and that the same had been occupied. That after he heard of Luco's claim to the land, he and his brother D. K. Berry went to the place where the remains of the old house were, and threw the principal part of the rubbish about the place into the creek, which is close by, and some time afterwards, thinking that the place might still be discovered by Luco, he, together with Dr. Stephen K. Nurse and his brother, again went to the place, and threw the remaining portions of the cinders, burnt dirt, &c., into the creek; that this cleaning away the remains of the old house was all done at night, for fear some one would discover what they were doing.

The deponent further says, that the house he built and lived in was about 400 yards from the old ruins aforesaid, and has since been removed away, and that the said ruins could not be seen from his house when the grass and oats were growing; that the grass and oats grew very high at the place, and any person who was not on the look-out for it, the said ruins, might pass in a few yards of the place and not see it, unless the grass was burnt off; that himself, D. K. Berry, and Dr. Nurse and Henry Sibert, are all the persons, to his knowledge, who ever saw the place. He further says, that he has endeavored to keep the place hid from persons who might pass, and that he has kept his knowledge of the facts he knew about the existence of the said house as secret as possible; that he has spoken of the matter very seldom to any person, and that he never told said Luco one word about the matter in his life,

or hinted it. The deponent says that he knows many other facts not stated in this affidavit which would tend to prove the fact that there had once been an ancient improvement and settlement made on the said land claimed by Luco at the place described in this affidavit.

JOHN H. BERRY.

Subscribed and sworn to before me this 4th day of September, 1858.

JNO. DOUGHTY,
Justice of the Peace within and for Solano Co.,
Township of Suisun.

Endorsed: Filed October 8th, 1858.
W. H. CHEVERS, *Clerk.*

Affidavit of Jose A. Flores.

STATE OF CALIFORNIA,
Sacramento County.

Personally appeared before me, a notary public in and for the county aforesaid, José Anto. Flores, who, being duly sworn, deposes and says, that he is a resident of Solano county, and that he has lived in the district of Sonoma for many years before the Americans came to California; that he has known José de la Rosa for many years; that he knew from common report that said Rosa was the owner of a tract of land lying on the Sacramento river now called the Ulpines Rancho, and claimed at present by J. M. Luco et al.; that he has often travelled over the said land, and knows that De la Rosa had a house upon the same; that affiant has been in said house, and has seen a corral and a small piece of land under cultivation near the said house.

JOSÉ ANTO. his ⋈ mark. FLORES.

Subscribed and sworn to before me this 18th day of September, 1858.

[SEAL.] E. E. EYRE, *Notary Public.*

Endorsed: Filed October 8th, 1858.
W. H. CHEVERS, *Clerk.*

Affidavit of Jesus Ma. Baca.

STATE OF CALIFORNIA,
Sacramento County.

Personally appeared before me, a notary public in and for said county, Jesus Ma. Baca, who, being duly sworn, deposes and says, that he is a son of Jesus M. Baca, who was one of the owners of the ranch known as the rancho of Baca and Armijo, adjoining the tract of land known as the "Ulpines," claimed by J. M. Luco et

al.; that affiant has lived from boyhood upon the first mentioned tract of land; that before the Americans took possession of California, he knew from common report that José de la Rosa had obtained a grant for a sobrante of land adjoining his father's land; that he has often passed over the said sobrante, and knows that there was a house upon the same, which belonged to de la Rosa, and was occupied by him, and Indians in his employ; and that the said sobrante is the Ulpines rancho unclaimed by the Lucos.

JESUS M. BACA.

Subscribed and sworn to before me, this 18th day of September, 1858.

E. E. EYRE,
[SEAL.] *Notary Public.*

Endorsed: Filed October 8th, 1858.
W. H. CHEVERS, *Clerk.*

Affidavit of Jose Ma. Amador.

In the U. S. District Court for the northern district of California.

JUAN M. LUCO et al.
vs.
THE UNITED STATES.

Before me, W. H. Chevers, clerk of the United States district court for the northern district of California, personally appeared José Maria Amador, who, being duly sworn, on oath deposes, that he has known José de la Rosa for many years; that it was generally known among the inhabitants that the land known as the Ulpines belonged to de la Rosa; that affiant has twice been on said land; the first time in the year 1846; the second time in the year 1847; on the first occasion affiant slept in a house on said land inhabited by three or four Indians; said Indians told affiant that the house belonged to José de la Rosa; affiant, on said occasion, was on his way to Sacramento.

JOSÉ MARIA his ⋈ mark AMADOR.

Witness: W. H. CHEVERS.

Sworn to and subscribed August 20th, 1858, before me.
W. H. CHEVERS, *Clerk.*

Endorsed: Filed October 8th, 1858.
W. H. CHEVERS, *Clerk.*

Deposition of Robert Allison.

SUISUN, *Sept.* 1*st*, 1858.

I hereby testify that in the fall of 1855, Mr. F. Hughes, in whom I can fully rely for truth, stated to me that he heard Dr.

Nurse say that he, Nurse, could show Mr. Luco where once stood an adobe house on the said Luco's grant, if he to do so, but said that Luco could not find it out by him; I have likewise heard the same thing spoken of by others, and from my information I believe that an adobe house did at one time exist on Luco's grant.

ROBERT ALLISON.

Subscribed and sworn to before me, this 1st day of September, A. D. 1858.

JOHN DOUGHTY,
Justice of the Peace for Solano Co.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS, *Clerk.*

Affidavit of R. Anrubia.

JUAN M. LUCO et als.
vs.
THE UNITED STATES. } No. 428.

In the U. S. District Court for the northern district of California.

STATE OF CALIFORNIA,
County of Solano, ss.

Before me, James H. Thompson, a notary public in and for said county, personally appeared Rafael Anrubia, who, being duly sworn, deposes and says, that he knows Rafael Guirado, and that he often heard the said Guirado, at various places, to wit, at the houses of Rafael Garcia and Bartolo Bojorgues, and other places, on many occasions, and in the presence of several other persons, threaten to be revenged on Gen. M. G. Vallejo, at any cost; and that in revenging himself on Gen. Vallejo he should also injure other parties, but he would certainly be revenged, and he would injure the said Vallejo by every means in his power. The said conversations occurred about three or four years ago.

RAFAEL ANRUBIA.

Sworn and subscribed to before me, this the 17th day of August, A. D. 1858.

[SEAL.] J. H. THOMPSON,
Notary Public.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS, *Clerk.*

Affidavit of Jos. Pellissier.

No. 428.

In the United States District Court for the northern district of California.

JUAN M. LUCO et al.
vs.
THE UNITED STATES.

STATE OF CALIFORNIA,
County of Napa, ss.

Before me, Robert Crouch, clerk of the county court in and for said county, in said State, personally appeared Joseph Pellesier, a resident of said county, of lawful age, who, being duly sworn, on his oath says, that he is acquainted with Rafael Guirado, and knew him while said Guirado was living with General Vallejo in Sonoma, in the capacity of servant and gardener; that this affiant had a conversation with said Guirado, two or three years ago, in the city of San Francisco, in which conversation said Guirado told this affiant that he, Guirado, was a witness in the above entitled cause, before the United States land commissioners, and gave testimony; and that what he then swore to before said commissioners was not true; and that he so testified in order to contradict the testimony of General Vallejo, who had testified in said cause in favor of the claimant, and thus revenge himself on General Vallejo. This affiant went to see the land some time in the year 1848. The land belonged, as this affiant understood, to de la Rosa. He made proposals to this affiant in relation to the land, but, after seeing it, this affiant did not entertain thos proposals. Afterwards, in the year 1849, in a conversation which this affiant had with de la Rosa, he told this affiant that he had no land; that his wife had left him and carried away all his title papers, by reason of which he had lost his land.

JOSEPH PELLISSIER.

Sworn to and subscribed before me, this 10th day of August, A. D. 1858.

Witness my hand and the seal of the county court of Napa county, hereto affixed, the date aforesaid.

[SEAL.] ROBERT CROUCH,
County Clerk, Napa County.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS, *Clerk.*

Affidavit of Ramon Mesa.

No. 428.

In the U. S. District Court for the northern district of California.

JUAN M. LUCO et als.
vs.
THE UNITED STATES.

STATE OF CALIFORNIA,
County of Napa, ss.

Before me, J. G. Wakersham, a notary public in and for said county, personally appeared Ramon Mesa, who, being by me duly

sworn according to law, deposeth and says, that he met with Rafael Guirado at San Francisco, or Petaluma city, in Sonoma county; does not remember particularly which place; it was some time after Guirado had given his testimony in the above entitled cause before the U. S. land commission; and that in the course of conversation Guirado told affiant that he, Guirado, had to tell lies in said testimony in order to revenge himself on Gen. M. G. Vallejo; that he, Vallejo, had testified before said commissioners in favor of the claimants, and that he, Guirado, had testified to what appears in his depositions merely to contradict and ruin the character of said M. G. Vallejo, and for no other purpose than to revenge himself on said Vallejo.

RAMON ⋈ MESA.

The foregoing affidavit was subscribed to and sworn before me by Ramon Mesa, who is personally known to me to be the identical person who represents himself to be.

In witness whereof I have hereunto set my hand and seal this twelfth day of August, A. D. 1858, at the county aforesaid.

[SEAL.]

J. G. WAKERSHAM,
Notary Public.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS, *Clerk.*

Affidavit of Jose Noriega.

CONDADO DE SAN FRANCISCO,
Estado de California.

Ante mi, Gorge T. Knox, notario publico, de la ciudad de San Francisco, José Noriega, personalmente comparecio y despues de juramentado dice: que en el año de mil ochocientos cuarenta y seis, yendo de Sonoma para el Sacramento en el mes de Julio de el mismo año, estube en una casa que supe era de la propiedad de José de la Rosa, la cual estaba cituada al lado de un arroyo, en cuya casa me detube a matar una baquilla que D. Salvador Vallejo me habia permitido hacerlo en caso de necesitarlo.

Ciudad de San Fran'co, S'bre 20 de 1858.

JOSÉ NORIEGA.

Subscribed and sworn to before me this 20 Sept., A. D. 1858.

GEO. T. KNOX,
Notary Public.

Translation of above Affidavit.

COUNTY OF SAN FRANCISCO,
State of California.

Before me, George T. Knox, a notary public of the city of San

Francisco, personally appeared José Noriega, and after being duly sworn, says, that in the year one thousand eight hundred and forty-six, going from Sonoma to Sacramento in the month of June of the same year, I was at a house which I knew belonged to the property of José de la Rosa, which was situated by the side of a creek, at whose house I stopped for the purpose of killing a heifer, which Don Salvador Vallejo had given me permission to do in case of necessity.

City of San Francisco, September 20, 1858.

(Signed) JOSÉ NORIEGA.

Subscribed and sworn to before me this 20th September, A. D. 1858.

(Signed) GEO. T. KNOX, [SEAL.]
Notary Public.

Endorsed: Filed October 8th, 1858.

W. H. CHEVERS,
Clerk.

Order denying motion for Rehearing.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on Saturday the ninth day of October, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES ads. JUAN M. LUCO et al. } No. 428.

This cause coming on to be heard on a motion made on the part of the claimants herein to open the decree, and allow further testimony to be taken, and having been argued by Mr. Benham for the claimant, and the U. S. dist. attorney, and due deliberation being had in the premises—it is now being had in the premises—it is now here ordered that the motion be and the same is hereby denied.

Endorsed: Filed October 9th, 1858.

W. H. CHEVERS,
Clerk.

Order granting Appeal.

At a stated term of the distrcit court of the United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on Monday the eleventh day of October, in the year of our Lord one thousand eight hundred and fifty-eight.

4786.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES
ads.
JUAN M. LUCO et al., Appellants. } Case No. 428.

And now, at this day, the 11th of October, A. D. 1858, in open court, come the appellants in the above entitled cause, by Calhoun Benham, their attorney, and move the court that an appeal be granted them in said cause from the whole of the decree therein rendered.

Whereupon it is ordered by the judge of the United States district court for the northern district of California, sitting in open court, the district attorney of the United States for said district being present, that the appeal applied for from the decree in said cause be and the same is accordingly granted to the Supreme Court of the United States at its next term; and it is further ordered that the said claimants give an appeal bond to the clerk, to be approved by the court, in the sum of one thousand dollars.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed October 11th, 1858.
W. H. CHEVERS, *Clerk.*

Appeal Bond.

District Court of the United States, northern district of California.

JUAN M. LUCO et. al., App'lts,
vs.
THE UNITED STATES, App'lees. } D. C. 428—L. C. 813.

Know all men by these presents, that we, Juan M. Luco, George H. Ensign, and Edward Jones, of the State of California, are held and firmly bound to the above named United States in the sum of one thousand dollars, to be paid to the said appellees, for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally by these presents.

Sealed with our seals, and dated the twelfth day of October, A. D. 1858.

Whereas the above named appellants have prosecuted an appeal to the Supreme Court of the United States, at the city of Washington, in the District of Columbia, to reverse the decree rendered in the above suit by the district court of the United States for the northern district of California:

Now, therefore, the condition of this obligation is such, that if the above named appellants shall prosecute their appeal to effect, and answer all damages and costs if they fail to make their appeal good,

then this obligation shall be void; otherwise to remain in full force and virtue.

JUAN M. LUCO, [SEAL.]
GEO. H. ENSIGN, [SEAL.]
EDWARD JONES. [SEAL.]

Sealed and delivered in presence of—
W. H. CHEVERS.

UNITED STATES OF AMERICA,
Northern Dist. of California.

Geo. H. Ensign and Edward Jones, parties to the above bond, being duly sworn, do depose and say, each for himself, that he is worth the sum of one thousand dollars over and above all his just debts and liabilities.

GEO. H. ENSIGN,
EDWARD JONES.

Sworn to and subscribed Oct. 12th, 1858, before me.
W. H. CHEVERS,
U. S. Comm'r.

Approved Oct. 12th, 1858.
OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed October 12th, 1858.
W. H. CHEVERS, *Clerk.*

[*Here follow traced copies and two certificates of Surveyor General, pages* 890 *and* 891.]

I, William H. Chevers, clerk of the district court of the United States for the northern district of California, do hereby certify that the pages annexed to this certificate contain a full, true, and correct transcript of the record on file from the board of land commissioners, together with the pleadings, depositions, orders, decree, and bond, filed in this office in the case entitled The United States, appellees, ads. Juan M. Luco et al., appellants.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court this sixteenth day of October, in the [SEAL.] year of our Lord one thousand eight hundred and fifty-eight, and of our independence the 83d.

W. H. CHEVERS, *Clerk.*

Filed 4th December, 1858.